

Planning Commission

Regular Session Agenda

Cape Charles Civic Center – 500 Tazewell Avenue

September 6, 2016

6:00 P.M.

1. Call to Order
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. Set date for Comprehensive Plan joint public hearing with Town Council
 - b. Review proposed draft text amendment to Article III Section 3.15.B limited access commercial activity in Open Space District
6. New Business
 - a. Comments for September 21, 2016 meeting with Northampton County Planning Commission
7. Announcements
8. Adjourn



DRAFT
PLANNING COMMISSION/TOWN COUNCIL
Joint Public Hearing &
PLANNING COMMISSION
Regular Meeting
Cape Charles Town Hall
August 15, 2016
6:00 p.m.

At 6:00 p.m. Chairman Dennis McCoy, having established a quorum, called to order the Joint Public Hearing with the Town Council and Regular Meeting of the Planning Commission. In addition to Chairman McCoy, present were Vice Chairman Michael Strub, and Commissioners Andy Buchholz, Dan Burke, Keith Kostek, Sandra Salopek and Bill Stramm. Also in attendance were Town Planner Larry DiRe, Town Clerk Libby Hume and Town Manager Brent Manuel. There were 14 members of the public in attendance.

Mayor George Proto, having established a quorum, called to order the Joint Public Hearing with the Planning Commission. In addition to Mayor Proto, present were Vice Mayor Bannon, Councilmen Brown and Buchholz, and Councilwomen Natali and Sullivan. Councilman Bennett was not in attendance.

Town Clerk Libby Hume read the public hearing advertisement.

ZONING MAP AMENDMENT PUBLIC HEARING COMMENTS:

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

Mr. R. Neville Reynolds, from VHB, the engineering firm representing Cherrystone I LLC, gave a presentation regarding the rezoning application. (Please see attached.)

Motion made by Dan Burke, seconded by Bill Stramm, to close the Planning Commission Public Hearing regarding the zoning map amendment request. The motion was approved by unanimous vote.

Motion made by Councilwoman Natali, seconded by Councilman Buchholz, to close the Town Council Public Hearing regarding the zoning map amendment request. The motion was approved by unanimous vote.

CONDITIONAL USE PERMIT APPLICATION PUBLIC HEARING COMMENTS:

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

Motion made by Bill Stramm, seconded by Sandra Salopek, to close the Planning Commission Public Hearing regarding the conditional use permit application. The motion was approved by unanimous vote.

Motion made by Councilwoman Natali, seconded by Councilman Buchholz, to adjourn the Town Council Public Hearing regarding the conditional use permit application. The motion was approved by unanimous vote.

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

REGULAR MEETING PUBLIC COMMENTS:

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

CONSENT AGENDA

Motion made by Bill Stramm, seconded by Sandra Salopek, to approve the agenda format as presented. The motion was approved by unanimous vote.

The Commissioners reviewed the minutes for the July 18, 2016 Joint Planning Commission Regular Meeting. Michael Strub noted a typographical error on page 2.

Motion made by Sandra Salopek, seconded by Bill Stramm, to approve the minutes from the June 7, 2016 Planning Commission Regular Meeting as amended. The motion was approved by unanimous vote.

REPORTS

Larry DiRe reported the following: i) The harbor dredge project was ongoing and it would be about two weeks before the pipe was moved to the beach. It would take approximately six days for the sand to be pumped onto the beach. Sprigging and fencing would be installed afterwards; and ii) Three single family homes were approved for construction in the first six months of the year. One was in the historic district. There was a lot of renovation projects ongoing. Code Official Jeb Brady submitted a monthly report to the Town Council and he encouraged the Commissioners to review the report for more accurate information.

OLD BUSINESS

A. *Tax Map Parcel #83A3-11-2 Application for Zoning Map Amendment:*

The Commissioners did not have any questions for the applicant.

Motion made by Michael Strub, seconded by Dan Burke, to recommend Council approval of the zoning map amendment for Parcel #83A3-11-2 from Harbor District to Industrial M-2 as presented. The motion was approved by unanimous vote.

B. *Tax Map Parcel #83A3-11-2 Conditional Use Permit Application:*

The Commissioners reviewed the language in the staff report comparing it to the conditional use permit (CUP) application. The following was discussed with the applicant: i) The letter accompanying the CUP application listed a concrete plant. Commissioner Strub asked if the applicant planned to work with Bayshore Concrete or build another plant and what would be done with the plant once it ceased to function? Mr. Reynolds responded that there were no plans for any concrete activity nor a partnership with Bayshore Concrete. The letter quoted the language from the Town's zoning ordinance for uses in the district; and ii) Mr. Reynolds stated that some of the language in the zoning ordinance directly contradicted the language in the CUP. Mr. Bert Turner, the attorney representing the applicant, wanted to ensure there was no misunderstanding and that the CUP permitted storage of petroleum.

Motion made by Dan Burke, seconded by Michael Strub, to recommend Council approval of the Conditional Use Permit for Parcel #83A3-11-2 as presented. The motion was approved by unanimous vote.

C. *Proposed Draft Text Amendment to Article III, Section 3.15.B-Limited Access Commercial Activity in Open Space District:*

There was much discussion regarding the proposed language as follows: i) The Commissioners agreed that the commercial activity should not be limited to Thursday through Sunday but that during the tourist season, May 1 through September 15, vendors with the proper permits and licenses should be permitted to operate seven days per week from noon through 6:00 p.m. Several of the Commissioners felt that the vendors should be required to operate every day, weather permitting; ii) The square footage of the vendor spaces could possibly be limited as well as the number of vendors permitted. The space limitation could be difficult for vendors wanting to rent equipment such as chairs, umbrellas, kayaks, paddle boards, etc. If a vendor wanted more than one "space," they would be required to pay a fee for each space, similar to the requirement of the Farmer's Market. The Commissioners suggested that Larry DiRe talk to the organizer(s) of the Farmer's Market; and iii) The Commissioners agreed that vendors at the beach would be a great service and enable beach goers to walk to get drinks, hot dogs, snow cones, etc. as well as renting chairs and umbrellas vs. having to carry them from their cars or homes.

The Commission requested that Larry DiRe revise the language as discussed for further review at the next meeting.

NEW BUSINESS

A. *Planning Commission Representative to the Harbor Area Review Board:*

The Harbor Area Review Board (HARB) consisted of seven members with one member from the Town Council, two from the Planning Commission, one from the Historic District Review Board and three other citizens of the Town. Councilwoman and former Commissioner Joan Natali served as one of the Planning Commission representatives to the HARB. With Councilwoman Natali coming off the Commission, another Planning Commission representative needed to be appointed to the HARB.

Dennis McCoy stated that he currently served as one of the Planning Commission representatives but due to the nature of his job, he was unable to attend many of the HARB meetings and added that he would step down from the HARB as well.

Dan Burke and Keith Kostek volunteered to serve on the HARB.

Motion made by Andy Buchholz, seconded by Michael Strub, to recommend Council appoint Dan Burke and Keith Kostek as the Planning Commission representatives on the Harbor Area Review Board. The motion was approved by unanimous vote.

There was some discussion regarding the status of the Comprehensive Plan, Tourism Zone Ordinance and the Tethering Ordinance.

ANNOUNCEMENTS

There were no announcements.

Motion made by Andy Buchholz, seconded by Michael Strub, to adjourn the Planning Commission Regular Meeting. The motion was approved by unanimous vote.

Chairman Dennis McCoy

Mayor Proto

Town Clerk



Cape Charles Parcel: 83A3-11-2

Cherrystone I LLC: Proposed Land Uses

- Port Facilities: marine, rail, trucking and/or intermodal terminals including transfer, storage, handling, inspection, processing and/or transport of containerized, bulk and/or other cargo.
- Boatyard- repair and maintenance of a variety of vessels:
 - Commercial fishing vessels
 - Mega yachts
 - Others as opportunities arise

Cape Charles Parcel: 83A3-11-2
Existing Zoning: Harbor District

- Allows for marine related uses and uses customarily and clearly incidental and subordinate to the principal use.
 - Bait and tackle shops
 - Boat rentals
 - Marinas, docks and wharves if contiguous to harbor
 - Sail and canvas making and repair
 - Ship stores and chandleries

- Does not include port facilities

Proposed Zoning: Industrial District (M-2)

- Statement of Intent
 - Encourage the revitalization of the local industrial economy and historic port of Cape Charles and Northampton County

 - Create family-wage employment and training opportunities for local residents

 - Serves as a model and national prototype of an integrated approach to land development and industrial operations, embodying sustainable approaches to the local economy, environment and culture

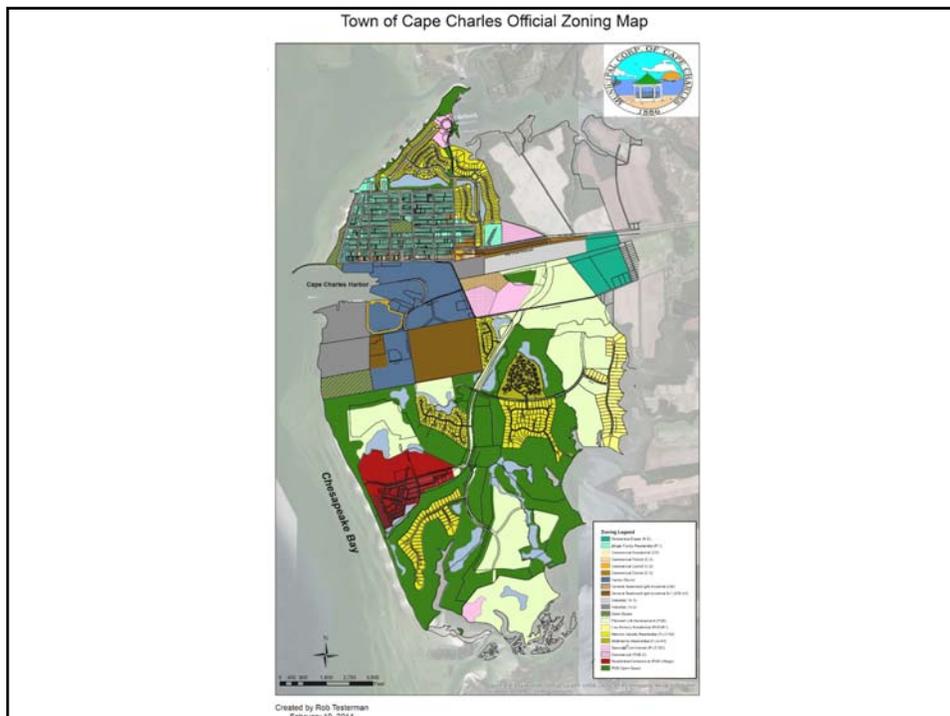
 - Serve as a model for advancing traditional settlement patterns of the Eastern Shore's towns and employment centers

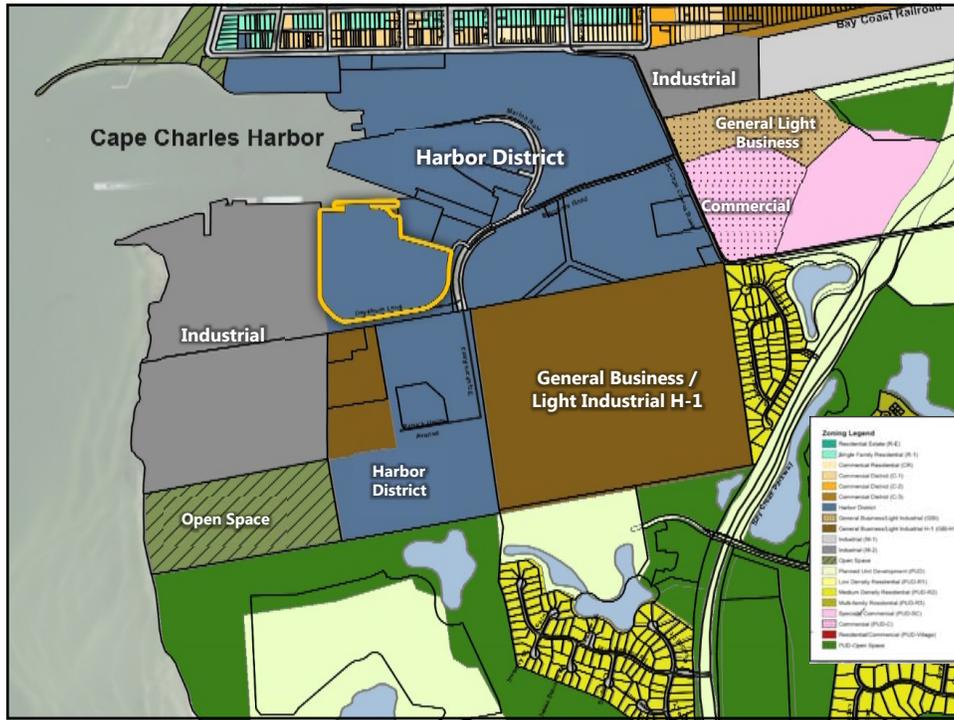
 - Encourage cost-effective approaches to resource conservation. Wise use of renewable resources and ecologically based industrial development.

M-2 allows for a variety of industrial activities:

- Library or other municipal building
- Park, Plaza, or natural area
- Museum, cultural center, arboretum
- Adult or child day care center
- Agriculture, horticulture, forestry and/or fishery/aquaculture
- Offices for telecommunications
- Fire, police, rescue station
- Medical care facility, outpatient only
- Mail courier and parcel services
- Printing service
- Art gallery
- Office, administrative, business and professional

Therefore, Conditional Use Permit required for Industrial Activities











An aerial photograph of a waterfront area. A yellow outline highlights a specific site on the shore. The site is surrounded by trees and some existing buildings. In the background, there are more buildings and a marina with several boats. The image is part of a presentation slide.

 vhb

Rezoning Request

Town of Cape Charles, Virginia

Cherrystone I LLC

August 12, 2016

Planning Commission Staff Report

From: Larry DiRe 
Date: September 6, 2016
Item: 4c-Staff Report
Attachments: None

1. No update on the project approved under a conditional use permit for 207 Mason Avenue.
2. Staff attended the Virginia Outdoor Plan 2018 update regional meeting at Eastern Shore Community College on Wednesday August 24th. That meeting was sponsored by the Accomack- Northampton Planning District Commission. Please see this link for information on the plan. <http://www.dcr.virginia.gov/recreational-planning/vop>
3. The Historic District Review Board has not received any applications for Certificate of Appropriateness to consider at their September 20th regular monthly meeting. At their August 16th meeting they approved a Certificate of Appropriateness for new construction of a rear addition in the Commercial – 1 District, and continued the application for new single family home construction in the Residential - 1 District pending amended plans.
4. There continues to be interest in new development in on several parcels in the Harbor District. While any activity around the harbor is generally visible, and of great community interest, no applications are immediately pending. As required by the zoning ordinance, any application will go to the Harbor Area Review Board and Town Council before any construction activity can begin.
5. There has been an increased interest in the process to manage trees, both on private property and in the public right of way. All work in the VDOT right of way requires a VDOT land use permit and an article about that appeared in the August edition of the *Cape Charles Gazette*.
6. The Harbor Area Review Board had no business and did not meet.
7. The Wetlands and Coastal Dunes Board continued their July 27th meeting, to consider an application for riprap at a residential lot, on August 25th. After receiving an additional, detailed, site-specific report from the Virginia Institute of Marine Science (VIMS) the Board voted to approve the project with certain conditions recommended by VIMS. These included increasing the size and weight of the revetment stones and placing them at a steeper angle than the original application plans showed. The Board also met in a work session on August 31st to continue their review and recommendations for beach sand management practices.
8. The Board of Zoning Appeals had no business and did not meet.

Planning Commission Staff Report

From: Larry DiRe 
Date: September 6, 2016
Item: 5a-Set public hearing date for Draft Comprehensive Plan joint public hearing with Town Council
Attachments: None

Item Specifics

The draft Comprehensive Plan document was sent to Town Council for review on March 1st. Before the Comprehensive plan can be adopted by the Council a public hearing is required. The Town Council is scheduled to review the draft document and set a public hearing date when they meet in a Special Meeting on Thursday September 22nd.

Discussion

Consider dates for the required public hearing.

Recommendation

Following Commission discussion, staff recommends the Planning Commission set Tuesday November 1, 2016 as the date for the required public hearing with the Town Council prior to Council voting to adopt the draft document as the Town's Comprehensive Plan.

Planning Commission Staff Report

From: Larry DiRe 
Date: September 6, 2016
Item: 5b – Proposed draft text amendment to Article III Section 3.15.B limited access commercial activity in the Open Space District

Attachments: Farmer's market vendor agreement

Item Specifics

The following Zoning Ordinance section addresses potential limited commercial activity within the Open Space District. The Zoning Ordinance contains language that restricts all commercial activity on the Town beach and in Central Park. A number of vendors have inquired about providing refreshments and beach-related amenities on the Town's property and were told that they could not do so under the current language. The Planning Commission reviewed draft text amendment language at the August 15th meeting. The revised draft text is presented below.

In addition, the Commission tasked staff with acquiring information about the current vendor practices used by the Cape Charles Museum for their weekly farmers' market, held on the museum's grounds. Staff learned the following:

- An on-site manager is present for every market day
- The number of vendors of particular categories of goods is limited to ensure diversity at the market
- The on-site manager ensures that each vendor is providing only the type of good for which the vendor received approval
- All vendors hold appropriate insurance
- All vendors are required to participate in a specific number of market days, failure to meet that participation rate results in loss of vendor privilege and space
- All vendors are required to set up and break down during specific time periods before and after the market activities
- There is limited on-site consumption, resulting in limited accumulation and discarding of garbage
- Vendors of consumable goods are more successful than vendors of crafts and collectibles
- There are a number of prohibited activities including smoking, hawking, and promoting political activities
- All vendors sign formal agreement

Section 3.15.B

The Town recognizes the seasonal nature of this District. Certain limited refreshment and beach-related commercial activity is compatible with the permitted uses listed below. Commercial activity shall be restricted to May 1st through September 15th, between the hours of noon through 6:00 pm. Commercial activity is restricted to the area east (landward) of the toe of the dune to the Boardwalk, south of the pavilion to the fishing pier. Individual vendor sites shall not exceed one-hundred (100) square feet. No commercial activity will be conducted from motor vehicles, and all commercial activity shall exclude the use of external generators and electronic amplification. Signage will not be affixed but may be flags and banners to a maximum of six (6) square feet in area. All vendors are required to abide by the conditions of their business license and failure to do so may result in loss of vending privileges.

Discussion

The proposed draft text amendment to the above cited section is presented for review and comment. Should the Planning Commission find the language acceptable or revise such language and approve recommendation for amendment to the Town Council, a public hearing will be required.

Recommendation

Following discussion provide direction to staff.

2016 POLICIES AND PROCEDURES

MARKET ELIGIBILITY – Participation is open to local (see 'Definitions' page) growers, harvesters, watermen, bakers, makers of prepared food, artists and artisans (hereafter, “the vendors”). The Market is a vendor-produced only market. Vendors may be the actual producing individual, an immediate family member, staff or employee of the producing individual’s farm/ facility (which is owned or leased by the vendor).

MARKET DATES, DAY, HOURS OF OPERATIONS – The Market will be open, rain or shine, in 2016 on Tuesdays during the following hours: May 3 through May 24, from 4pm to 7pm. May 31 through August 30 from 4pm to 7:30pm. September 6th through October 25th, from 4pm to 7pm

LOCATION – The Market is located on the grounds of the Cape Charles Museum, 814 Randolph Avenue, Cape Charles Virginia 23310

MARKET MANAGER – The Market Manager will be present at The Market during operation. The Market Manager will make the assignment of spaces, approve the use of equipment, and design the business operation “mix” of all the selling spaces in order to enhance the total operation of the Market.

APPLICATION REQUIREMENTS, AGREEMENTS, PERMITS AND FEES –

1. **Property and Facility Visits:** The Market Manager or a Market representative will arrange to visit all of its vendors’ farms, kitchens and workshops during normal business hours, to verify compliance with the vendor-produced only and food safety inspections rules. Failure to permit an onsite inspection may result in a suspension from The Market.
2. **Sales Tax** – All vendors are required to have a Virginia State Sales and Use Tax Certification number. Vendors must collect these taxes at the Market. (Vendors attending 3 or fewer markets may submit sales tax using the ST-50 form available @ <http://www.tax.virginia.gov/taxforms/Business/Sales%20and%20Use%20Tax/ST-50a.pdf>)
3. **Liability Insurance** – The Market strongly recommends vendors to carry premises and product liability insurance specifically endorsed to cover their Cape Charles Farmers’ Market operations with policy limits not less than 500,000.00 dollars, and to provide proof of this insurance with the application. Preference will be given to applicants with this insurance.
4. **Certificates and Permits** – When applicable, vendors must attach copies of state and federal inspection certificates for their products. Vendors whose offerings do not meet the definition of “Farm and Domestic Products” must obtain a business license from the Town of Cape Charles (See 'Definitions' page for clarification). Vendors and Guest Chefs who will be serving food, beverages, or samples at The Market must obtain a Temporary Event Permit from the Northampton County Health Department. (Vendor/Chef is responsible for the permit fee.)
5. **Regulations** - Vendors are responsible for all appropriate labeling, licenses, product inspections, weights, measures and pesticide rules. Accuracy of scales / weights is the responsibility of the vendor. At all times, items sold in the Market must meet requirements of all applicable health and sanitation codes, as well as local, state, and federal agricultural requirements. It is the sole responsibility of the vendor to ensure compliance. Northampton County and the State of Virginia will make inspections of the Market.
6. **Fees** – Fees collected are for promotion and operation of the Market. A \$25.00 application fee will be charged for all new applicants for the 2016 season. This fee is to be paid with the application. The fee will be waived for returning vendors. Vendors will pay a weekly space rental of \$10.00 for a 12’ X 12’ tent space or a 10’ X 18’ truck space. Vendors must make their rental payment to the Market Manager. No subleasing or loaning of space is allowed.
7. **Tokens** - The market is working to become a SNAP-EBT vendor. We intend to either use an exact receipt method or issue \$1.00 wooden tokens for EBT/SNAP eligible purchases and for special promotions. All vendors selling eligible products are required to accept these receipts or tokens and turn them into the manager for reimbursement.

ATTENDANCE - - **Full Season Vendors** are guaranteed a space and expected to attend the entire market season. Rent for these spaces may be paid weekly on market day or, if more convenient for the vendor, pre-paid by the month. Full Season Vendors may be absent a total of 3 markets during the season without paying rent if they have notified the market manager **at least 7 days** prior to those absences. Rent will be owed on any additional market days they are absent. If a full season vendor is absent in excess of 3 times, the manager will discuss with the vendor whether assuming an occasional vendor status would be

more appropriate.

- **Occasional Vendors** will be scheduled to participate in individual markets based on space availability and the discretion of the Market Manager. They will apply to be an occasional vendor for specific weeks and, once their requested weeks are approved, they must submit payment in full for those weeks. The occasional vendor stands a greater chance of receiving all of his requested dates by scheduling and pre-paying for them before the start of the season. However, vendors may take their chances on availability and apply by the month. Should any dates need to be cancelled by the vendor, an alternative date will be offered. There are no refunds.
- **In case of inclement or severe weather;** the Market reserves the authority to cancel and/or close a market due to weather conditions. The decision will be made based on weather reports and local understanding of on-site market conditions, and not the Market Manager's personal judgment as a former resident of Minnesota-Wisconsin (grin). Closures will be posted on the Cape Charles Market and Cape Charles Museum FaceBook pages, the Cape Charles Market website, and sent by text or email. The Market Manager will email, text or telephone all scheduled vendors by 6am in the event of a full closure. Should the market be closed, you will not be charged for the day. However, if the market is open and you have reserved a space, you will be charged for the day even if you choose not to show up.
- **In the event of a last minute personal emergency** which will prevent attendance, vendors should notify the Market Manager as soon as possible to alleviate worry and concern on the part of fellow vendors and shoppers.
- **The Holiday Market:** Attendance at the Holiday Market by full season vendors is not assumed. All vendors who wish to attend must reserve and pre-pay their space with the Market Manager.
- **Importance of Reliability:** Vendors who consistently fail to show up for reserved market stalls, will be asked to reconsider whether The Market is for them. We cannot keep open, unused spaces while prospective vendors are waiting for a place. Absences disappoint our customers and are strongly discouraged!!!!

SET-UP AND OPERATION - Vendors may begin to set up at 2:30pm on market days beginning at 4pm and at 7:30 AM on market days beginning at 9am, and must be done prior to the opening bell.

Vendors are required to stay until the Market closes. Early take-down is disruptive and dangerous.

Vendors are required to stop selling at 7 or 7:30pm (Holiday Market: 1pm). They must leave their spaces clean and remove their display and truck by 8:30pm. (Holiday market: 2pm)

No sales are allowed before the opening time or after the closing time. Orders may be taken prior to market day, but shall not be filled (delivered to the customer) until after the opening time. Contact the Market Manager if you need to be absent, if you are running late or if you need assistance.

DISPLAYS - All tents, canopies, pop-ups, umbrellas, signs and display items must be sufficiently and safely secured to the ground and/or **weighted** down from the start of the Market day. Vendors must keep their display of goods within the confines of spaces assigned by the Market Manager. Vendors may not display any food products on the ground.

At no time shall the safety or convenience of customers or vendors be compromised by any vendor's display. Vendors will clearly display prices of all items and post their farm/ facility/ business name and location. Signs must be posted *before* sales begin.

Honest and Accurate labeling and representation is required of all vendors. Vendors must have available on site all licenses and certifications.

VENDOR CLEAN-UP RESPONSIBILITIES - Vendors are responsible for disposal of all trash and debris generated by their respective businesses, and must take it away with them. Vendors must provide trash receptacles at their site for trash generated by samples they offer customers. The on-site Cape Charles Museum Market trash and recycling bins are provided only for trash from public traffic at the Market.

Ice may not be emptied anywhere on the property or in the street. Use of Styrofoam for product packaging is prohibited at the Market in an effort to minimize environmental impact and help increase environmental awareness.

PROHIBITED ACTIVITIES - The consumption of alcoholic beverages is not allowed. Music or other broadcasts from radios, stereos, etc. must be kept within the limits of the assigned space and not disturb adjacent vendors. No Smoking, Hawking (loud, high-pressure promotion of a product) is prohibited. No promotion of political opinions or religious beliefs, Possession of a firearm is prohibited.

COMPLIANCE - The Market Manager will enforce all policies and procedures at the Market. Any

vendor found not in compliance will be given a written notice and may be subject to exclusion from further participation in the Market. Vendors selling products that are non-vendor-produced are liable to be permanently removed from the Market.

GRIEVANCE POLICY - In the event of customer dissatisfaction with a particular vendor or some aspect of market operations, the dispute must be resolved to the satisfaction of the Customer, Vendor and Market Manager in a timely manner. It is the position of the Market to not confront vendors within the marketplace to discuss violations of our rules and regulations. Conflict does little to provide vendors and shoppers with a welcoming environment. However, if the infraction itself endangers the public, or the vendor is disruptive, then the Market management will address citations on site. Otherwise, the Market management will address concerns after the Market closes.

All violations of the market rules and customer complaints will be reported by the Market Manager to The Cape Charles Historical Society Market Subcommittee, who has final authority in resolving issues. Failure by a vendor to comply with the Market rules or comply with the Market Manger's resolution of a complaint can result in the removal of the vendor from market participation.

The procedure regarding violations of the Market rules is as follows: **First violation:** Vendor receives written notification of violation and must cease action cited in violation. **Second violation:** If vendor is found committing the same violation or any other violation, then vendor can stay for that market day but will lose the right to sell the following 2 weeks with no refund of pre-paid fees. **Third violation:** If vendor is found committing the same violation or any other violation then, vendor can stay for that market day but loses the right to sell for the rest of the market season with no refund of pre- paid fees.

ACCIDENT/ INJURY - Any accident or injury must be immediately reported to the Market Manager or 911. Anyone who participates in the Market, whether vendor, customer or otherwise, attends at his or her own risk.

Vendors will operate at their own risk and assume liability from the customers.

PET POLICY - The Market welcomes patrons with pets as long as they adhere to a few simple rules: All animals must be kept on a short leash (no expandable or retractable leashes). Animals are to be by the owner's side and under control at all times. They must be kept away from produce and other food products. Animals are not allowed in the buildings at any time. Animals must be children and other animal friendly. Animal waste must be cleaned up **immediately** by the owner.

CHILDREN - Small children brought to the Market by vendors and shoppers **must** be kept under the direct supervision of a designated adult.

RESTROOMS - Two restrooms available on site.

ADVERTISING - The Cape Charles Market is committed to the success of the Market and will advertise as effectively as possible within the budget. The Cape Charles Market is responsible for the creation, selection and purchasing of all advertisements for the Market. This includes both paid and non-paid promotion in print and electronic media.

Market vendors may, at their own expense, advertise their products and presence at the Market. However, such advertising must be specific to the market vendor and his/her products, not to The Cape Charles Market at-large.

DEFINITIONS Artisan - A skilled person in an applied art.

Farm or Domestic Products - Included are products that are grown or produced on farms or in homes or gardens. These products are further defined as follows:

- a. Produce -Vegetables, fruit, grains, eggs, plants, plant cuttings, flowers, seeds, nuts, and herbs.
- b. Prepared Foods -Foods that are processed in some way by the vendor and are approved by the Health Department. These items include, but are not limited to, cured meats, baked goods, preserves, pickles, juices, home canned products, and cheeses.
- c. Handicrafts -Handcrafted products that are made in the home. The product may be made from manufactured materials provided that a substantial part of its value is from the crafting of the vendor or the vendor's family.

Local - Within a 100 mile radius of Cape Charles. In order to maintain a broad offering

of products, the accepted area may be expanded at the Market Manager's discretion.

Value-added - Any product grown, raised, or caught by the vendor and increased in value by labor and creativity. Examples: fruit to jams, milk to cheese, fresh flowers to dried flower arrangements, herbs to soaps/fragrances, etc.

Vendor - Persons who have paid their stall rent and agreed to comply with the Cape Charles Market regulations. This can be the actual producing individual, an immediate family member, staff, or employee who has participated in the production of the product being offered at the Market.

Vendor-produced - Goods that are grown, raised, caught, or made by the vendor.

ALLOWABLE PRODUCTS

The Cape Charles Market is a vendor-produced only market. Vendors are required to bring only products they grow, raise, make or catch. For those bringing homemade products and crafts, the use of local ingredients is highly encouraged. Vendors shall submit the Product Plan included with their application at the beginning of the season, indicating the crops and products they plan to sell at the Market. If, at a later time, the vendor wishes to add new items beyond those listed on their application, they must notify the manager in writing so that their application can be updated and those items can be reviewed and approved prior to selling them at the Market. No products may be sold without prior approval.

Products allowed include:

1. Vegetables, fruits, herbs, flowers, plants and eggs, which were grown or raised by the farmer/grower.
2. Fresh baked goods from scratch (not store-bought mixes).
3. Cheeses or other value-added products from milk, which are made in accordance with health codes and use vendor-produced or locally-sourced milk.
4. Meats from livestock or poultry raised by the vendor which have been processed according to health and agricultural regulations.
5. Fish and shellfish raised or caught by the vendor in compliance with health and fishery regulations.
6. Value-added products freshly made from scratch by the vendor, such as jams, honey, syrups, sauces, salsas, canned vegetables and fruits, juices, "to-go" entrees, etc. Processing must comply with health codes.
7. Handmade soaps, candles and cosmetics.
8. Coffee, teas and herbs for which the vendor has participated in at least 50% of their creation (roasting, blending, etc.) if the ingredients are not grown by the vendor.
9. Art and artisanal crafts and products where the value has been increased over the raw materials by at least 75% and the product has met with the approval of the market manager.
10. Beverages and other food offered for immediate consumption at the market which have been prepared and served in compliance with VDACS and/or Health Department regulations. (Vendor must pay Meals Tax.)
11. Other items with Market Manager's approval.

Products **NOT** allowed: Items purchased from a manufacturer or grower for resale.

Alcohol. Tobacco products. Livestock. (Vendor may ask Manager for permission to bring animals for display.) Products or literature of a political or religious nature. Products generally recognized as offensive (IE with content, words or images that would be objectionable or upsetting to some or most people in the community. This is determined by the Market Manager, whose decisions on the matter will be accepted as final)

The Market Manager is available to refer vendors to the appropriate local, state, or other governing bodies who will advise on regulations, certifications, and other guidelines.

Planning Commission Staff Report

From: Larry DiRe 
Date: September 6, 2016
Item: 6a-Comments for September 21, 2016 meeting with Northampton County Planning Commission
Attachments: August 29, 2016 letter from Northampton County Planning Commission Chair; Town edge language from current 2009 County Comprehensive Plan

Item Specifics

The Town received the attached letter (attachment A) on Monday August 29th. The letter, written by the Northampton County Planning Commission chair, seeks input into the language to be included in the County's draft Comprehensive Plan document. This is pursuant to Commonwealth statutes. The Town's Planning Commission discussed proposed Town Edge District land uses at the March 1st meeting as those uses were proposed for the County's redrafting of the zoning ordinance. Please see your March 1, 2016 meeting agenda packet materials for a review of all the Town Edge District zoning issues.

Discussion

The August 29 letter includes six statements for consideration. These are both conceptual and concrete in nature. Number two addresses issues from the zoning ordinance. Number six addresses a proposed regional approach for economic development. At the direction of the Mayor staff requested that Town Council members provide input prior to the September 6th Planning Commission meeting. Any input received will be shared with the Commissioner.

Recommendation

Following Commission discussion, staff recommends the Planning Commission provide direction to staff for further action.



DEVELOPMENT DEPARTMENT NORTHAMPTON COUNTY, VIRGINIA

Development Department
- *Planning*
- *Zoning*
- *Building*
- *Code Compliance*
- *Economic Development*

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To: The Honorable George Proto, Cape Charles Mayor
Mr. Chris Bannon, Cape Charles Vice Mayor

From: Northampton County Planning Commission

Date: August 29, 2016

Subject: Invitation to attend Planning Commission meeting September 21, 2016

Dear Mr. Proto and Mr. Bannon,

Pursuant to our responsibilities under Section 15.2-2223 of the Virginia Code to prepare a Comprehensive Plan for the future development of the County, the Northampton Planning Commission is seeking input and advice from a variety of stakeholders on various elements within the Plan's scope that could affect future growth. In public meetings and visioning sessions, business growth and job opportunities have been identified as major concerns among our citizens in terms of promoting economic development and expanding the tax base for the County.

You are invited to appear before the Northampton County Planning Commission on Wednesday, September 21, 2016 to provide data relating to the resources needed to fulfill the County's responsibility of providing economic growth and development in and around the Towns. The meeting will begin at 7 PM in the Board of Supervisors meeting room at 16404 Courthouse Road, Eastville, Virginia.

This will be a panel discussion format, and you are asked to present a 5 minute opening statement, highlighting your most important points, and present whatever additional data you feel would be appropriate, followed by questions from the Commissioners and comments from other panel members.

We ask that your statement include consideration of the following issues:

1. What is your town's vision of the town edge zone?
2. What uses do you believe should be by right within the town edge zone?
3. Does your town envision any addition or expansion of infrastructure in the near future, and if so, would such infrastructure be made available to the town edge district?
4. Are any County policies restricting or impeding development within your town and if so, what are those policies?

5. What issues does your town see the County needing to address within the next 10 years, and which do you feel are solely the County's responsibility and which require joint action by the County and the towns?

6 The final report of the Strong Economies Together effort recommended that future economic development be done on a regional rather than a county basis. Do your town support this recommendation, and, if so, would it work cooperatively with Accomack-Northampton Joint Planning District?

If you have questions or comments, please contact Mr. Peter Stith in the Development Department at 757-678-0440 ext. 545 or by email pstith@co.northampton.va.us. If an existing commitment prevents your participation please feel free to contact Mr. Stith with contact information for an alternate.

Sincerely,

A handwritten signature in cursive script that reads "Jacqueline Chatmon".

Jacqueline Chatmon, Planning Commission Chair

d. Since little new development is anticipated in Existing Cottage Communities, transportation improvements should be limited to routine maintenance and enhancements needed to improve public safety. Countywide or regional transportation improvements that may affect Existing Cottage Communities should be designed to minimize and/or mitigate potential negative impacts on these areas. The County or the State will not maintain private streets serving Existing Cottage Communities.

2.3 Development-Area Settlement Types

2.3.1 Town

There are five incorporated towns in Northampton County: Exmore, Nassawadox, Eastville, Cheriton and Cape Charles. A portion of Belle Haven is also located in Northampton County. Towns have their own governing bodies and land-use planning and zoning controls. In 2005, the estimated population of these towns ranged from a high of approximately 1180 residents in Cape Charles to as low as 199 in Eastville. These Towns have served as social and economic focal points for the County since the development of the railroad, and even earlier. These incorporated towns have long been designated by the County as development areas and the existing zoning in and around the Towns reflects that expectation. The Towns will continue to be the most appropriate location for new residential and non-residential development in the County.

The amount of new growth that can be accommodated within these Towns will vary substantially depending generally upon the availability of municipal sewer and water service. At this time, only Cape Charles and Exmore offer public sewer and water service. Therefore, they are expected to be the primary development areas within the County for the foreseeable future. Eastville operates a municipal water system and will also be more likely to attract development interest than the other incorporated towns. The Towns of Belle Haven and Nassawadox are envisioned to remain secondary development areas, as is the Town of Cheriton, until such time as sewer and/or water service becomes available. The County will consider each Town's Comprehensive Plan, will work cooperatively with the Towns on all land-use matters, and offers the following general planning policies for consideration by the Towns in recognition of the fact that what occurs within Town boundaries will influence what occurs outside the corporate limits and that the County and the Towns may share responsibilities for the provision of public services to residents of the Towns.

2.3.1.1 Town Land Uses

a. Towns should be considered the most appropriate locations for most new residential and non-residential development. The County will work cooperatively with the Towns to attract development that is compatible with the Towns and that contributes to their economic and community vitality.

- b. Towns should accommodate a full range of residential-unit types and densities. Residential-development densities should range from 1 unit per acre to 10 units per acre depending on the Town's Comprehensive Plans and Zoning regulations.
- c. Major employment and commercial uses should be located within Towns, in particular within their established business districts, and along Commercial and Industrial Activity Corridors. The County will work cooperatively with the Town of Cape Charles to identify and attract appropriate uses for the former Sustainable Technology Park.
- d. The County should work cooperatively with the Towns and the Industrial Development Authority to identify locations for compatible new industrial and business locations and/or the expansion of existing centers in the Towns.
- e. The County acknowledges the general policies of the Towns, as expressed by Town officials in the public-input sessions, relative to favoring or not favoring additional growth within their corporate boundaries in the future. In particular, officials from the Towns of Cape Charles, Cheriton, and Exmore have expressed desires for attracting and accommodating continued future growth, while officials from Eastville and Nassawadox did not express an interest in attracting more growth to their Towns.

2.3.1.2 Town Design

- a. The County will work cooperatively with the Towns to promote development that is compatible with the design and character of the existing Towns and to ensure that development adjacent to the Towns is compatible with and complementary to development within the corporate limits of the Town.
- b. The County will share resources and work jointly with the Towns to encourage the renovation, reuse and adaptive use of existing structures. The County will also support Town efforts to encourage the preservation of historic structures within Town limits.
- c. Development and redevelopment in the Towns should be compatible in terms of scale, massing, architectural detail and setbacks with adjacent buildings and with the overall historic development pattern of the Town.

2.3.1.3 Town Community Facilities and Utilities

- a. Towns are, or may in the future be, served by public sewer and water service provided by the County or by the towns, by mutual agreement. The County will work jointly with the Towns to evaluate the desirability and feasibility of upgrading or establishing central sewer and water facilities.
- b. Towns should be considered as the most appropriate locations for public facility investments occurring in Northampton County. Towns are the preferred location for new community facilities.

c. Transportation improvements within the Towns should be designed to tie into the existing street network serving the County and the Towns.

2.3.2 Town Edge

Town Edges are unincorporated areas of the County adjacent to Towns and are under the jurisdiction of the County, its governing body, and its land use planning and zoning controls. These are areas associated with existing Towns, and residents of these areas often feel as though they belong to the Town even though they are outside the corporate limits. Town Edges are potential development areas, particularly if the possibility of infill development in the adjacent towns is precluded.

Town Edges are natural future-expansion areas for the incorporated Towns and may potentially be served by future public sewer and water extensions from the Towns. The Town Edge limits are based on areas of existing development that are accessed by public roads, may be served by Town utilities and may best be served in the future by Town services, as well as the physical and natural features that define the area.

2.3.2.1 Town Edge Land Uses

a. The County will develop a planning process to work jointly with residents of each Town and the surrounding area to prepare a Town Edge plan to guide future development. Upon completion, each plan shall be adopted as an amendment to the countywide Comprehensive Plan.

b. Town Edge Areas could potentially be rezoned to accommodate a wide range of residential unit types and densities, from one unit per 2 acres to 5 units per acre, with densities that are proportionately lower as the distance from the town center increases, with the low end of this range providing the most appropriate use of the property. Clear justification is needed before development at a higher density is appropriate. Development density at one unit per 2 acres is anticipated where public utilities are not available. If the Town and the County determine that it is appropriate for the Town Edge to act as a "hard edge," density should be clustered toward the Town and a permanent band of open space established as part of the development within the Town Edge.

c. Town Edge areas are more appropriate for neighborhood-oriented, convenience-commercial uses than for large-scale commercial development. Major commercial uses are encouraged in town centers or in areas available for rezoning.

2.3.2.2 Town Edge Community Design

a. The County will encourage high-quality residential and non-residential design in Town Edge Areas. The County should evaluate rezoning and development proposals in Town Edge Areas to ensure that proposed development is compatible with existing communities in scale, size, proportion, and impact. Uses should be designed to minimize any negative impacts on existing neighborhoods. New development should be designed to provide a

“seamless” transition from the existing development in Town to the new, and should be connected to existing neighborhoods with an integrated road system.

b. Development in Town Edge Areas directly adjacent to the Town should be designed to complement and augment the historic character and development pattern of the adjacent Town by becoming a natural “extension” of the existing community. New development in the Town Edge areas should relate closely to the existing village and should be an “organic” and natural continuation and expansion of the historic design of the Town.

c. Development in Town Edge Areas should preserve critical historic resources and promote preservation and rehabilitation of existing structures.

d. The County encourages the use of development options (cluster, compact, mixed-use, etc.) that make better use of the land by concentrating development away from on-site scenic, natural, historic or open-space resources. In particular, the County encourages residential development designs that provide neighborhood open space. Such open-space elements should not be “left over” areas, but rather should be key, central focal points of the neighborhood, designed as true community spaces that are well-defined by the street network and adjacent buildings. These options can assist in addressing inclusionary and affordable-housing issues in the County.

2.3.2.3 Town and Town Edge Community Facilities and Utilities

a. Town Edge Areas are, or will likely someday be, served by public sewer and water service provided by the County or by the towns, by mutual agreement.

b. Town Edge Areas should be the secondary focus for public-facility investments occurring in Northampton County, secondary to the Town areas themselves. Town Edge Areas are an appropriate location for new community facilities that cannot be located in existing towns.

c. Transportation improvements within the Town Edge Area will be designed to tie into the existing street network serving the Town and the County and to be compatible with the Town’s streets.

2.3.3 Commercial-Activity Corridor

Commercial-Activity Corridors are the most appropriate locations for new commercial-employment uses in Northampton County. These areas are located primarily within and adjacent to existing downtown business districts in existing Towns. It is the County’s policy to encourage infill and expansion of the established business districts in Towns rather than encourage new commercial centers that would detract from the economic viability of the Towns’ business districts. The County promotes the orderly redevelopment, infill and expansion of such areas within and around the Towns through utility agreements and mutually acceptable boundary-line adjustments.