

	Agenda Title:	Agenda Date:
	Zoning Ordinance Article VIII – Historic District Guidelines	April 9, 2026
Subject/Proposal/Request:		
Review and discussion of possible zoning text amendment to Article VIII (Historic District Overlay Ordinance) and Historic District Guidelines		
Town of Cape Charles	Attachments:	For Council:
	1) Proposed Zoning Text Amendment to Article VIII – Historic District Overlay; 2) Proposed Historic District Guidelines new Appendix G	Action: X Information:
	Staff Contact(s):	Reviewed by:
	Katie H. Nunez, Director of Planning & Zoning Administrator	Rick Keuroglan, Town Manager

Background:

- 1) Summer 2024, an appeal was filed with the Board of Zoning Appeals regarding a Zoning Administrator decision that found a property owner in violation of not completing an application and obtaining Zoning approval prior to conducting work on their property in compliance with the Historic District Overlay Ordinance and the Guidelines. On October 8, 2024, the Board of Zoning Appeals upheld the appeal and overturned the Zoning Administrator decision.
- 2) Fall 2024, this entire file of the BZA Appeals Case was reviewed by the Town’s attorney and he noted that the ordinance did not clearly state that a zoning approval by the Town was required for all elements of repair/renovation or building additions within the Historic District.
- 3) November 7, 2024, the BZA decision and Attorney input was reviewed with Town Council by the Town Manager at Town Council Work Session. This discussion concluded that some amendments to the Zoning Ordinance should be proposed regarding process and approvals required and a more detailed listing of the types of renovation/repair work that require no review; review by Zoning Administrator; and review by the Historic District Review Board. Said zoning text amendments and guideline revisions should be considered to rectify this issue and clearly state the Town’s intent of zoning review in the Historic District but that it would be useful to also improve the distinction between routine maintenance work on a property vs. minor work vs. major work and the levels of review required by either the Zoning Administrator or the Historic District Review Board leading to the issuance of a Certificate of Appropriateness of the approved work being sought by the property owner.
- 4) November 2024 thru June 2025, staff worked on developing draft language amendments to CCZO Section VIII – Historic District Overlay Ordinance and developed a new

Appendix "G" to the Design Guidelines to give greater clarity as to the types of building work being conducted in the Historic District is classified under these proposed changes.

- 5) July 1, 2025 Planning Commission meeting - Staff requested an initial review by the Planning Commission at their July 1, 2025 meeting to see if there were errors, omissions, or edits that should be made before providing a full presentation to Town Council to determine if this is the text amendment they were seeking to address this issue.
- 6) August 21, 2025- this item was then placed back before Town Council at their August 21, 2025 meeting where staff requested Council review of the proposed text amendments to Article VIII (Historic District Overlay) and the new Appendix G and a determination of whether the issues raised last year were addressed and whether this matter was ready to commence the public hearing process for zoning text amendments. At that meeting, Councilman Newman stated that he, Councilman Grossman, Claudette Lajoie, and Edward Wells of the Historic District Civic League met and reviewed the documents line by line. They had not concluded their review work and would like to be able to present their comments to Town Council on this matter before they decide to send it to public hearing. He indicated that part of what this work group of the Civic League would do is to develop a communication document/plan to let the citizens know of the requirements, possibly thru a letter welcoming new property owners to Town/Historic District and providing the information regarding the process and zoning office staff contacts for questions. HE indicated that this group has raised the issue of associated fees being charged for Historic District Review Board applications and would like to suggest revisions to that fee structure for Town Council consideration. Town Council agreed to send this document to this subcommittee of two members of the Historic District Civic League and two members of Town Council for continued review, editing and development. Once their review is concluded, then it would be reviewed thru a Town Council work session.
- 7) November 6, 2025 – a work session was held with Town Council to review the work to date by the Civic League subcommittee and obtain feedback from the Town Council on several items. I have attached minutes from that Town Council work session to see the specific discussion items and consensus reached by Town Council. From this meeting, the Civic League subcommittee was tasked to complete their review and make changes to the draft document as a result of this work session with Town Council.
- 8) In mid-December, the Civic League subcommittee submitted their final draft document back to the Town Manager and staff. This work was moved into the queue of work for the Planning & Zoning department which is now advancing this item for a final draft review with both the Planning Commission & Historic District Review Board before scheduling a work session of Town Council to review these documents in depth.
- 9) Joint Work Session held of Planning Commission and Historic District Review Board on February 21 & March 3, 2026 conducting a final review of the draft document. Code Official Jeb Brady participated as well.

Item Specifics: Staff is requesting review by Town Council to determine if the proposed zoning text amendment to Article VIII (Historic District Overlay), specifically Section 8.15, 8.16, 8.17 & 8.20 as well as proposed definitions to Appendix A and the proposed new Appendix G.

Appendix G is a brand new document to the Guidelines which provides a comprehensive listing of types of work that could occur on a property and indicates its classification of either Routine Maintenance vs. Minor Work vs. Major Work. We have also included a column that details when an inspection will be needed by staff and a column to indicate if Building review/permit is required. This document is intended to be a user friendly document for property owners in the

District to be able to determine if the work they are considering on their property requires approval from the Town before they commence any work.

Recommendation: Town Council is asked to provide direction/determination if the proposed zoning text amendment to Article VIII (Historic District Overlay), proposed definitions and the amendment to the Historic District Guidelines (the new Appendix G) addresses the issues that were raised last year and whether this matter is ready to be voted to commence the public hearing process for zoning text amendments.