

	Agenda Title:	Agenda Date:
	Review of Zoning Ordinance Text Amendments - Article VIII Historic District Overlay	November 6, 2025
	Subject/Proposal/Request:	
	Review and discuss recommendations for text amendments from the Cape Charles Historic District Civic League	
Town of Cape Charles	Attachments:	For Council:
	Article VIII Amendments & Cape Charles Historic District Overlay Design Guidelines Appendix G	Action: Information:
	Staff Contact(s):	Reviewed by:
	Rick Keuroglan, Town Manager	Rick Keuroglan, Town Manager

Background:

Last year, our Town Attorney reviewed Article VIII in our zoning ordinance and determined that it did not clearly state that a zoning approval was required for all elements of repair/renovation or building additions within the Historic District. A Council Work Session followed and concluded that some amendments needed to be made to the Zoning Ordinance regarding process and approvals required and a more detailed listing of the types of renovation/repair work which required no review, review by the Zoning Administrator, and review by the Historic District Review Board (HDRB). The zoning text amendment 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 also be useful to improve the distinction between routine maintenance work on a property versus minor work versus major work and the levels of review required by either the Zoning Administrator or the HDRB leading to the issuance of a COA of the approved work being sought by the property owner.

Staff had been working on developing draft language amendments to Zoning Ordinance Section VIII – Historic District Overlay Ordinance which was included in the agenda packet. A new Appendix G was developed to provide greater clarity as to the types of building work being conducted in the Historic District.

Staff requested Council review of the proposed text amendments to Article VIII 3 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. A Committee was formed with Councilman Newman, Councilman Grossman, Claudette Lajoie, and Edward Wells to meet and review the documents line by line.

In this Staff Report you will find the attachments from the Civic League with their suggestions and questions regarding Article VIII and Appendix G.

Item Specifics:

Here are the Committee's Suggestions:

- The committee agrees that there should be three classifications of project work: **routine maintenance, minor and major**.
- However, for any routine maintenance classification activities, we are proposing that this will not require formal staff review and concurrence. Owners will be required to notify the town office electronically and can proceed with work falling within the bounds of this category. Caution has been added that the staff may stop work should the work fall outside the bounds of this category. It will be incumbent upon town staff for timely review of the notification correspondence. Refer to the attached recommended revisions to Section 8.16.
- In order to remove any ambiguity associated with the routine maintenance classification, the definition of **REPAIR** needs to change from 'equivalent' to 'like-for-like' material. This definition change should be included in **Section 8.16.A** as well as in **Appendix A, Definitions**. A change in material will require a classification of minor change as a minimum.
- **With regards to Appendix G,**
 - The committee finds that the table format and content provide a beneficial format for the public to understand their proposed work activities and the review classifications associated with the scope of their projects.
 - Committee comments and questions are further provided in the attached marked-up table (see attached document **Appendix G-Classification of Work-General Guidelines**).
 - There are a few types of work activities listed in Appendix G that are not considered 'historic' in nature (e.g., swimming pools). These have been left within the table with special notation that, while not considered historically related, planning department staff and/or Code Official involvement is needed.
 - An additional column is suggested (Code Official Review) that depicts for each itemized entry whether there is involvement by the Code Official. This will assist public understanding that for certain activities both planning department and code official staff will be required. This minimizes an applicant's misunderstanding that the planning department's approval of a project is all that is required for 'town approval'.
- It is recommended that COA expiration change from 6 months to 12 months and can be extended one time, requiring a change to **Section 8.29**. This provides for a more reasonable timeframe for lining up materials and labor. Planning department staff may have details on the number of extensions submitted since the ordinance change of 6 months has been made.
- **Section 8.26 – Material to be Submitted for Review:** We would request that this paragraph be amended to describe when actual survey and/or site plans are required for minor and major applications. It is our opinion in some cases that surveys/site plans are being required when there is no need.
- Comments that we provide associated with **Historic District Review Board Application Fee structure** are;
 - No fee should be associated with **routine maintenance**. Even with staff acknowledgement of routine maintenance and the ability to review the notification at

- their discretion, this should be considered minimal effort conducted within normal staff resources.
- The balance of the fee structure requires review.
 - New residential construction fee of \$500 appears appropriate but \$500 fee is also applied to substantial alterations greater than \$5000. There may be a better way to address this with a sliding scale associated with substantial alterations tied to estimated project costs with a cap of \$250.
 - Modification to an approved and active CoA has an associated fee of \$200. However, minor work authorized with a staff CoA originally has a fee of \$75. This appears to be incongruent.
 - As an incentive for returning a contributing structure to its original historic appearance, no fee should be applied. Examples would be an application using historic tax credits, removal of vinyl siding and restoring to original wood, and removal of non-historic features added to a contributing structure.
 - **Application forms** – There should be a review of existing forms for streamlining and consolidation perhaps with the code official should that department be involved with a project. However, this is considered a secondary phase to our overall efforts.

Katie Nunez, Planning & Zoning Director will be in attendance at the meeting to answer any questions related to zoning and district regulations.

Recommendation:

Staff requests Council review and discuss the proposed text amendments, make any additional amendments if desired, and refer the amendments to the Planning Commission for a possible joint public hearing on December 2, 2025.