



Planning Commission Staff Report

Agenda Title: Zoning Text Amendment – Amend Article VII, Appendix A, and Appendix C of the Town Code to ensure the ordinance complies with state law regarding the Chesapeake Bay Preservation Act.

Agenda Date: April 7th, 2026

Prepared by: Jack Steinmayer, Zoning Compliance Officer

Reviewed By: Katie Nunez, Town Planner

Date: March 23rd, 2026

Type of Application: Zoning Text Amendment

Applicant: Town of Cape Charles

Site Address NA

Tax Map: NA

Zoning: NA

Proposal: Amend Article VII, Appendix A, and Appendix C of the Town Code to ensure the ordinance complies with state law regarding the Chesapeake Bay Preservation Act.

Legal Deadline Requirements July 2nd, 2026

Date Application Received: March 23rd, 2026

Date Application Deemed Complete: March 23rd, 2026

For Planning Commission: July 1st, 2026

**For Town Council
(Directory, not Mandatory)** Can act upon receipt of recommendation from Planning Commission; if PC fails to provide recommendation within the prescribed deadlines, it is deemed a favorable recommendation by the PC. The Town Council's max time frame is 12 months from when referred to the Planning Commission:

Background:

Since early 2024, staff and the Planning Commission have been revising Article VII (Chesapeake Bay Preservation Act Overlay Ordinance) of the Town Zoning Ordinance in response to legislative changes to the Chesapeake Bay Preservation Act (CBPA) by the General Assembly. The state developed and provided localities with a model ordinance reflecting the legislative changes, but the Virginia Department of Environmental Quality (DEQ) did not complete its update to the accompanying administrative regulations until late summer 2025.

During the summer of 2025, DEQ visited the Town of Cape Charles to conduct an audit to make sure staff were administering and enforcing the Chesapeake Bay Preservation Act correctly.

After their visit, the staff provided the proposed Zoning Text Amendment to DEQ for review, and DEQ returned their comments and edits to the Town. These were then given to the Planning Commission, which finalized its development of ZTA2026-01 in late summer 2025. Staff completed finalization in late fall 2025. There were further changes to Appendix A (Definitions) and Appendix C (Site Plan Ordinance) as well.

Finally, DEQ noted that *the Town of Cape Charles shall amend its comprehensive plan to include required mapping elements, such as the locations of the CBPA areas, shoreline, and streambank erosion issues, as well as existing and potential water pollution sources. It should also include necessary implementation measures for goals and objectives related to potential water quality impacts, as well as an overlay map layer with the CBPA, specifically the Resource Protection Area (RPA) and Resource Management Area (RMA), on the Town's Zoning Map.*

Then, at their March 19th, 2026, Regular Meeting, the Town Council adopted resolution 20260319 to consider amending the Cape Charles Zoning Ordinance by modifying Article VII (Chesapeake Bay Preservation Act Overlay District) and related changes to Appendix A (Definitions) and Appendix C (Site Plan Ordinance), and to send it to the Planning Commission for a Public Hearing.

Comprehensive Plan Requirements:

The proposed changes are in keeping with Chapter 7 (Environment) of the Comprehensive Plan.

Zoning Ordinance Requirements:

The proposed Zoning Text Amendments have been reviewed thoroughly and evaluated in accordance with the applicable provisions of the Zoning Ordinance and have been found to be consistent with its intent, purpose, and requirements. Furthermore, these proposed amendments aim to provide clarity and ensure that the Town Ordinance complies with the applicable state law regarding the Chesapeake Bay Preservation Act. (see attachment 2, 3, 4 for proposed changes to Article VII, Appendix A, and Appendix C)

Staff Review:

The proposed amendments to Article VII, Appendix A, and Appendix C of the Zoning Ordinance have been carefully reviewed by the Planning Commission and Town Staff. These numerous meetings confirmed that the amendments are consistent and do not conflict with, diminish, or alter the established performance criteria. They also continue to support the community's obligations under the Bay Act to protect and enhance the quality of state waters through effective land-use management and development controls.

Planning Commission Motion for Consideration:

Staff is recommending that the Planning Commission make the following motion for consideration: ***The Planning Commission recommends to the Town Council to approve Zoning Text Amendment (ZTA) 2026-01: application from the Town of Cape Charles to amend Town Code Chapter 32, Article VII (Chesapeake Bay Preservation Area Overlay District) and related updates to Appendix A (Definitions) and Appendix C (Site Plan Ordinance) to ensure the ordinance complies with state law regarding the Chesapeake Bay Preservation Act.***

Attachments:

- Attachment 1: Resolution of Intent 20260319
- Attachment 2: Town of Cape Charles Zoning Ordinance Article VII
- Attachment 3: Town of Cape Charles Zoning Ordinance Appendix A
- Attachment 4: Town of Cape Charles Zoning Ordinance Appendix C
- Attachment 5: Town of Cape Charles Zoning Text Amendment Application

Planning Commission
Regular Meeting and Public Hearing
Cape Charles Civic Center
April 7th, 2026

At 6:00 p.m., after establishing a quorum, Chairman Bill Stramm called the Planning Commission to order for the continuation of the February 17th, 2026, Joint Work Session. Along with Chairman Stramm, the attending commissioners included Bill Ashworth, Libby Wright, Ian McDonald, Jim Holloway, Clayton Newman, and Alan Clark.

Town staff present included Director of Planning/Zoning Administrator Katie Nunez, Zoning Compliance Officer Jack Steinmayer, and Town Clerk Libby Hume.

One member of the public was in attendance.

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

Consent Agenda

Motion made by Chairman Stramm to approve the Consent Agenda as presented. The motion was approved by common consent.

Public Hearing

- A. *Zoning Text Amendment (ZTA) 2026-01: Application from the Town of Cape Charles to amend Town Code Chapter 32, Article VII (Chesapeake Bay Preservation Area Overlay District) and related updates to Appendix A (Definitions) and Appendix C (Site Plan Ordinance) to ensure the ordinance complies with state law regarding the Chesapeake Bay Preservation Act.*

Director of Planning and Zoning Administrator Katie Nunez summarized the staff report and explained that this proposed amendment has been in development since early 2024, running concurrently with the Town's revision of the Zoning Ordinance.

Ms. Nunez then reported to the Planning Commission that DEQ, during their audit of the Town's Chesapeake Bay Preservation Act implementation, identified five cited deficiencies, including the need to update the Zoning Ordinance and amend the Comprehensive Plan to include the required Chesapeake Bay Preservation Area (CBPA) mapping elements and implementation measures.

It was further explained that the Town submitted its draft ordinance to DEQ in late 2025, and DEQ's comments were fully incorporated into the version before the Planning Commission.

Ms. Nunez explained that the Town is in the final stages of finalizing a contract with Northampton County to use their GIS system. This contract will include town-specific map layers, such as the Resource Protection Area (RPA) and Resource Management Area (RMA), helping the town address several outstanding compliance items identified in the DEQ corrective action plan.

Public Comments

No public comments were submitted, and no members of the public registered to speak.

Chairman Stramm moved to close the public hearing. The motion was made by Commissioner McDonald and seconded by Commissioner Holloway. The motion was approved unanimously. The public hearing was closed at 6:07 p.m.

New Business

- A. ***Zoning Text Amendment (ZTA) 2026-01: Application from the Town of Cape Charles to amend Town Code Chapter 32, Article VII (Chesapeake Bay Preservation Area Overlay District) and related updates to Appendix A (Definitions) and Appendix C (Site Plan Ordinance) to ensure the ordinance complies with state law regarding the Chesapeake Bay Preservation Act.***

The Planning Commission had no questions or additional comments.

Chairman Stramm then moved to recommend approval of ZTA 2026-01 to the Town Council. Motion made by Commissioner McDonald to recommend to the Town Council to approve Zoning Text Amendment (ZTA) 2026-01: Application from the Town of Cape Charles to amend Town Code Chapter 32, Article VII (Chesapeake Bay Preservation Area Overlay District) and related updates to Appendix A (Definitions) and Appendix C (Site Plan Ordinance) to ensure the ordinance complies with state law regarding the Chesapeake Bay Preservation Act. Motion seconded by Commissioner Newman, the motion was approved unanimously.

Standing Staff Reports

Ms. Nunez then presented her standing staff report for departmental activity from December 2025 through March 2026, as regular updates had not been provided at preceding meetings.

A. Subdivision Activity

Ms. Nunez explained that she approved one lot line vacation at 614 Peach Street. She also approved a Revised Preliminary Plat for Village F1, reducing the number of single-family homes from 77 to 67. Additionally, one parcel will hold five condominium buildings, each five stories (65 ft.) tall, with parking on the ground floor and two residential units per floor on the upper four floors, totaling 40 condominium units. The total unit count for Village F1 is now 107.

Ms. Nunez then explained that she approved a Preliminary Plat for the Fairways Section II, Phases 4-7, and Section III, Phase 2 (The Commons – Lots 29A-29D & 32A-32D). Finally, she also approved a Recombination Final Plat for Fairways Parcel P-1A (The Commons, Lots 7A-7C).

B. Board of Zoning Appeals

Ms. Nunez explained that on October 14th, 2025, a public hearing was held for a variance application submitted by Martin Mayer for a variance from Article 3 Section 3.2 of the Cape Charles Zoning Ordinance to allow for a rear deck to extend 1.5' into the side setback and 5' into the rear setback. ***Was approved unanimously by the BZA.***

Another public hearing took place on December 9th, 2025, concerning an appeal of a Zoning Determination Letter that denied a Short-Term Rental (STR) on a houseboat in the Harbor-Commercial District. ***The appeal was denied, and the BZA upheld the Zoning Determination Letter.***

Finally, a public hearing will be held on April 14th, 2026, to discuss an exception to the Chesapeake Bay Act application at 165 Sunset Boulevard. Ms. Nunez then provided some background on the application. This property was cited for constructing a patio in the 50-landward portion of the RPA, and the property owners applied for an exception and have committed to enhanced plantings to offset the impervious coverage. Ms. Nunez then recommended approval, conditioned on the proposed planting plan, noting that removal of the stone paver patio would also be required.

C. Harbor Development Certificates

No applications were filed.

D. Wetlands and Coastal Sand Dune Board

The Wetlands and Coastal Sand Dune Board held a public hearing on January 21st, 2026, to consider an application from the Bay Creek at Cape Charles Community Association to build an aquatic barrier that would prevent floating aquatic vegetation in the Chesapeake Bay from washing ashore on Bay Creek's North Beach.

After discussion, it was decided by the Wetlands and Coastal Sand Dune Board to table the application until Town Staff had received input from VMRC and VIMS on whether this application was within the Board's jurisdiction or not.

E. Town Council

Ms. Nunez noted that the following items are scheduled for discussion at the upcoming Town Council Work Session on April 9th, 2026 @ 6:30 p.m.

- Revisions to Article VIII (Historic District Overlay Ordinance) and new Appendix G to the Historic District Guidelines re: Routine Maintenance, Minor Work, and Major Work at the level of review required (none vs. Zoning Administrator review vs HDRB review)
- Development of a draft Mobile Food Vendor Zoning Ordinance
- Revisions to the Short-Term Rental Zoning Ordinance
- Development of a Special Events Policy and possible Zoning Ordinance Amendments
- Development of a Peddler's License Town Code or Zoning Ordinance Amendment.

F. Comprehensive Bay Preservation Act – DEQ Compliance and Corrective Action Agreement

Ms. Nunez informed the Commissioners that, as part of the DEQ corrective action agreement, the Town of Cape Charles must amend its Comprehensive Plan to include (a) mandatory CBPA mapping elements, such as RPA and RMA boundaries, shoreline and stream erosion issues, and potential water pollution sources, and (b) implementation measures, including goals, objectives, action strategies, and related timeframes for water quality. Although the Comprehensive Plan currently includes environmental objectives and strategies, it does not specify implementation timeframes.

Ms. Nunez then asked that this item be added to the agenda for the next Commission meeting, either as a work session or as a standing agenda item, to develop the required timeframes as specified by DEQ.

The Commissioners agreed by consensus to address this matter on May 5th, 2026, as a Work Session.

Other Announcements

Ms. Nunez announced that the next phase of the Railroad/Harbor Master Planning process will be held on April 24th and 25th and will include two public input sessions, coinciding with the Love Run weekend.

Next Meeting

The next meeting of the Planning Commission will be held on May 5th, 2026 @ 6:00 pm.

Adjournment

Motion made by Commissioner McDonald, seconded by Commissioner Clark, to adjourn the April 7th, 2026, Planning Commission Public Hearing and Regular Meeting. The motion was approved unanimously. The Planning Commission adjourned at 6:32 pm.

Chairman Stramm

Zoning Compliance Officer