

	<b>Agenda Title:</b>	<b>Agenda Date:</b>
	Zoning Text Amendment (ZTA) 2026-01 – Chesapeake Bay Preservation Act	April 16 <sup>th</sup> , 2026
	<b>Subject/Proposal/Request:</b>	
	Zoning Text Amendment (ZTA) 2026-01 application to amend the Chesapeake Bay Preservation Act Overlay Ordinance (Town Code Chapter 32, Section VII (CBPA Overlay), Appendix A (Definitions), and Appendix C (Site Plan Ordinance))	
<b>Town of Cape Charles</b>	<b>Attachments:</b>	<b>For Council:</b>
	<ol style="list-style-type: none"> <li>1) Article VII (Chesapeake Bay Preservation Act Overlay Ordinance), Appendix A (Definitions), Appendix C (Site Plan Ordinance)</li> <li>2) Comprehensive Plan Chapter 7 (Environment)</li> <li>3) Zoning Text Amendment Application (ZTA2026-01)</li> <li>4) Planning Commission Staff Report and Minutes of Public Hearing</li> </ol>	Action: X Information:
	<b>Staff Contact(s):</b>	<b>Reviewed by:</b>
	Katie Nunez, Director of Planning & Zoning Administrator	Rick Keuroglan, Town Manager

**Background:** Since early 2024, staff and the Planning Commission have been working on revising Article VII (Chesapeake Bay Preservation Act Overlay Ordinance) of the Town Zoning Ordinance due to legislative changes to the Chesapeake Bay Preservation Act (CBPA) made by the General Assembly.

The proposed Zoning Text Amendment was then submitted to DEQ staff for review. They provided comments and edits back to the Town, which were shared with the Planning Commission, who finalized their development of ZTA 2026-01 in late summer 2025. Staff then finalized the document in late fall 2025. Additionally, changes in Appendix A (Definitions) and Appendix C (Site Plan Ordinance) were incorporated.

Notably, DEQ stated that the Town of Cape Charles must revise its Comprehensive Plan to include the required mapping features—such as locations of CBPA areas, shoreline and streambank erosion issues, and current and potential water pollution sources—as well as necessary implementation measures and an overlay map layer showing the Resource Protection Area (RPA) and Resource Management Area (RMA) on the Town’s Zoning Map.

To fulfill the above request, I have been collaborating with Civic Vanguard, Northampton County’s GIS vendor, to create town-specific zoning layers. This includes mapping the RPA

and RMA of the CBPA and negotiating a cost-sharing agreement with Northampton County to host these data layers within their GIS system.

At the March 19th, 2026, regular meeting, Town Council adopted Resolution 20260319, referring this application back to the Cape Charles Planning Commission to convene the requisite public hearings to amend Cape Charles Zoning Ordinance Article VII, Appendix A, and Appendix C.

After referring the above ZTA application back to the Planning Commission, the Planning Commission held an advertised public hearing on April 7th, 2026, at 6:00 pm in the Cape Charles Civic Center. During their meeting, the Planning Commission found that the proposed amendments are consistent with the intent and purpose of the Zoning Ordinance and do not conflict with established performance criteria. After a brief discussion, the Planning Commission provided the motion below:

***Motion made by Commissioner McDonald, seconded by Commissioner Newman 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.***

***The motion passed unanimously.***

#### **Staff Analysis:**

##### **Comprehensive Plan Review:**

The proposed amendments align with Chapter 7 (Environment) of the Town's Comprehensive Plan, which sets goals to protect natural resources, improve coastal resilience, and enhance the Chesapeake Bay's water quality, among other objectives. Approval of ZTA 2026-01 advances these policy goals by aligning the Zoning Ordinance with current state law requirements.

##### **Zoning Ordinance Review:**

Staff has thoroughly reviewed the proposed Zoning Text Amendments in accordance with the applicable provisions of the Zoning Ordinance. The proposed amendments are consistent with the Ordinance's intent and purpose. The changes provide clarity and ensure that the Town's Zoning Ordinance complies with applicable state laws regarding the Chesapeake Bay Preservation Act.

**Item Specifics:** Town Council reviews the proposed Zoning Text Amendments for Article VII, Appendix A, and Appendix C of the Town Code Zoning Chapter.

**Recommendation:** I am recommending that the Town Council vote to approve the Zoning Text Amendments to Article VII, Appendix A, and Appendix C of the Town Code Zoning Chapter as presented.