



# 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 7<sup>th</sup>, 2026

**Prepared by:** Jack Steinmayer, Zoning Compliance Officer

**Reviewed By:** Katie Nunez, Town Planner

**Date:** March 23<sup>rd</sup>, 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 2<sup>nd</sup>, 2026

**Date Application Received:** March 23<sup>rd</sup>, 2026

**Date Application Deemed Complete:** March 23<sup>rd</sup>, 2026

**For Planning Commission:** July 1<sup>st</sup>, 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