

ORDINANCE 20260430

AMENDING CAPE CHARLES TOWN CODE

CHAPTER 32 - ZONING ORDINANCE

Article VII (Chesapeake Bay Preservation Area Overlay District) & 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.

WHEREAS, the Cape Charles Zoning Ordinance is a compilation of ordinances establishing zoning regulations for the Town of Cape Charles and providing for the administration and enforcement of the regulations; and

WHEREAS, the Zoning Ordinance includes a chapter as required by state law that adopts and promulgates rules and regulations regarding the Chesapeake Bay Preservation Act; and

WHEREAS, the General Assembly amended the Chesapeake Bay Preservation Act in 2024 and the administrative regulations were updated and amended by the Virginia Department of Environmental Quality in 2025 and requiring each locality within the watershed of the Chesapeake Bay to amend and update its local ordinance provisions concerning the oversight and administration of the Chesapeake Bay Preservation Act, and

WHEREAS, said proposed revisions to Article VII (Chesapeake Bay Preservation Act Overlay District) and associated changes to Appendix A (Definitions) and Appendix C (Site Plan) bring the ordinance into compliance with state law concerning the Chesapeake Bay Preservation Act;

WHEREAS, pursuant to Code of Virginia §§ 15.2-2285 and 15.2-2204, after proper notice, a public hearing was held by the Planning Commission on April 7, 2026 and the Planning Commission reviewed and deliberated the proposed zoning ordinance amendments, and approved by majority vote, making recommendation for Town Council approval as requested based upon the support in the Staff Report dated March 23, 2026; and

WHEREAS, pursuant to Code of Virginia §§ 15.2-2285 and 15.2-2204, after proper notice, a public hearing was held by the Town Council on April 16, 2026 and based upon the Staff Report to Town Council and the Planning Commission's favorable recommendation to approve as requested by the applicant; the Town of Cape Charles;

WHEREAS, the Cape Charles Town Council finds that the public necessity, convenience, general welfare, and good zoning practice requires that a zoning text amendment be considered, based upon a model ordinance provided by the Virginia Department of Environmental Quality concerning the Chesapeake Bay Preservation Act which has been

reviewed, discussed and tailored to the specific development patterns and geographic location of the Town of Cape Charles:

NOW, THEREFORE, BE IT RESOLVED that, for purposes of public necessity, convenience, general welfare or good zoning practice, the Cape Charles Zoning Ordinance be revised in compliance with ZTA2026-01 application to amend Article VII (Chesapeake Bay Preservation Act Overlay District) and associated changes to Appendix A (Definitions) and Appendix C (Site Plan) that bring the ordinance into compliance with state law concerning the Chesapeake Bay Preservation Act, to become effective immediately.

Adopted by the Town Council of the Town of Cape Charles on April 30, 2026.

By: _____
Mayor Charney

Attest:

Town Clerk