



Planning Commission Staff Report

Agenda Title: Zoning Text Amendment (ZTA) 2026-03
Agenda Date: August 4, 2026
Prepared by: Damion Geist, Planning and Zoning Technician
Reviewed By: Rick Keuroglian, Town Manager
Date: July 27th, 2026

Type of Application: Zoning Text Amendment
Applicant: Town of Cape Charles
Site Address NA
Tax Map: NA
Zoning: NA
Proposal: Add new regulations for Mobile Food and/or Beverage Units by amending the Cape Charles Zoning Ordinance by adding Section 32-105 to Article IV (General Regulations Applicable to All Districts).

Legal Deadline Requirements October 15th, 2026
Date Application Received: June 1st, 2026
Date Application Deemed Complete: June 1st, 2026
For Planning Commission: October 15th, 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: Over the past four years, the Town of Cape Charles has seen a noticeable increase in mobile food vendors operating in the community. These vendors are most commonly located along Bay Avenue at the beach during the summer season, as well as at various events and festivals held throughout the year.

In response to the growth, town staff identified a need to establish a standardized regulatory framework that clearly defines acceptable types of mobile food units, operating procedures within the Town, and the required approvals for operation.

Since the beginning of 2026, staff from the Finance Department, the Town Manager's Office, and the Planning and Zoning Department have collaborated to assess current conditions, identify regulatory gaps, and clarify the intended role of mobile food vendors in the Town's business and tourism economy.

On April 9, 2026, during the Town Council Work Session, the Town Council reviewed the draft zoning ordinance to modernize and clarify regulations governing mobile food vendors by: (1) defining permitted types of mobile food units, (2) establishing a clear approval process, and (3) setting operational standards and conditions. During the meeting, the Town Council identified specific language changes to the proposed zoning text amendment that they would like to see in the next draft of the ordinance.

At the May 21, 2026, Town Council Regular Meeting and Public Hearing, the Town Council reviewed another draft of the proposed ordinance. The Council adopted Resolution of Intent 20260521, referring Zoning Text Amendment 2026-03 to the Planning Commission to convene and hold the necessary public hearings.

At the July 7, 2026, at the Planning Commission Public Hearing and regular meeting, the draft was reviewed and clarification was provided on a few items.

Comprehensive Plan Review: Staff reviewed the proposed Zoning Text Amendment to Article IV (General Regulations Applicable to All Districts) and determined it aligns with the core principles outlined in the Comprehensive Plan.

The Economy chapter calls for promoting *"a lively economy built around accommodations, food services, health care, social services, retail trade, recreation, public administration, manufacturing, fisheries/maritime activities, and transportation (p.49)"*. The comprehensive plan also calls for *"promoting and expanding business in a business-friendly environment (p.55)"*. This ordinance directly supports these objectives by expanding opportunities in the food service and retail sectors and by creating low-cost pathways for entrepreneurship and small-business development.

Furthermore, the Comprehensive Plan recognizes tourism as a significant component of Cape Charles' economic base, noting that *"the Cape Charles economy is evolving to support growth in other sectors, especially tourism and related sectors as maritime businesses decline nationwide (p.50)"*. To further this objective, the Plan seeks to *"maintain a healthy balance between year-round residents, tourists, and second homeowners in Cape Charles (p.50)"* by collaborating with organizations such as Eastern Shore of Virginia Tourism (ESVA) and

Cape Charles Main Street to promote Cape Charles as a destination and develop events, particularly those centered on outdoor recreation, that attract visitors (p.55).

The ordinance aligns with the goals above by providing flexible food and beverage options for festivals, community events, beachfront activities, and peak tourism periods. Vendors can also enhance the visitor experience by offering an additional dining option and increasing the availability of food and beverages in areas where demand may fluctuate. Finally, by supporting tourism-related activities and visitor-serving businesses, the proposed ordinance advances the Comprehensive Plan's objective to strengthen Cape Charles' tourism economy while continuing to meet the needs of residents and visitors alike.

Finally, the proposed ordinance aligns with the Comprehensive Plan's Community Facilities & Service goals and objectives. The plan encourages the Town to create vibrant community facilities through flexible use and year-round programming (p. 93), and it specifically calls for pursuing opportunities for art, public events, and markets. Mobile Food and Beverage vendors are commonly associated with these activities. They can provide services that enhance the experience of residents and visitors at community events, festivals, markets, and recreational activities.

Zoning Ordinance Requirements: The proposed ordinance sets forth regulations governing the operation of Mobile Food and/or Beverage Vending Units within the Town of Cape Charles. The ordinance aims to permit mobile vending opportunities while ensuring compatibility with surrounding land uses, protecting public health and safety, and maintaining the character of the community.

The proposed regulations establish standards, including but not limited to:

- Permitted zoning districts and locations where mobile food and beverage vending units may operate;
- Required zoning permits and business licenses;
- Minimum parking and circulation standards to prevent interference with vehicular and pedestrian traffic;
- Hours of operation;
- Waste disposal and site maintenance requirements;
- Procedures for enforcement and revocation of permits in the event of noncompliance.

These standards are intended to balance the economic and community benefits of mobile food and beverage vendors with the need to protect adjacent properties and ensure the safe and orderly operation of these businesses.

Staff Review: Staff has found that the proposed ordinance provides a clear regulatory framework for a use not currently addressed in the Town's Zoning Ordinance. As mobile food and beverage vendors continue to grow in popularity and become more closely associated with community events, tourism, and small business opportunities, establishing operational standards will provide clarity for vendors and the Town.

The proposed ordinance balances economic development opportunities with the need to protect public health, safety, and welfare. Mobile food and beverage vendors can contribute to the local economy by creating entrepreneurial opportunities, expanding food and beverage options for residents and visitors, and supporting local events.

Furthermore, the proposed regulations address key considerations, including permitting requirements, location standards, parking and pedestrian considerations, waste disposal, signage requirements, operating hours, and compliance with applicable health and safety regulations.

Based on the proposed operational standards and their demonstrated consistency with the goals and objectives of the Comprehensive Plan, staff finds that the proposed Mobile Food and/or Beverage Vending Unit Ordinance is a reasonable addition to the Town's Zoning Ordinance and would provide a beneficial tool to support economic development, tourism, and community events while protecting the character of Cape Charles and the interests of surrounding property owners.

Since the last meeting, The Virginia Department of Transportation has contacted the town to review and comment on the Mobile Food and/or Beverage Vending Unit Ordinance in regards to regulations for operation within VDOT's right-of-way. VDOT has not yet provided comments.

Planning Commission Recommendation: I recommend the following motion for the Planning Commission's consideration: ***Motion to recommend to the Town Council that it approve Zoning Text Amendment (ZTA) 2026-03: Application from the Town of Cape Charles to amend the Cape Charles Zoning Ordinance by adding regulations for Mobile Food and/or Beverage Units to new Section 32-105 of Article IV (General Regulations Applicable to All Districts).***

Attachments:

Attachment 1 – Mobile Food and/or Beverage Vending Unit Ordinance (Draft)

Attachment 2 – Zoning Text Amendment Application

Attachment 3 – Comprehensive Plan