



Planning Commission Regular Meeting

October 07, 2025 at 6:00 PM

Cape Charles Civic Center - 500 Tazewell Avenue

Agenda

- 1. Call to Order**
 - A. Roll Call
 - B. Establish a Quorum
- 2. Invocation and Pledge of Allegiance**
- 3. Consent Agenda**
 - A. Approval of Agenda Format
 - B. Approval of Minutes
- 4. Public Hearings**
- 5. Citizen Comment Period, for any item not subject to an advertised public hearing**
- 6. Unfinished Business**
- 7. New Business**
 - A. Proposed Zoning Ordinance and Comprehensive Plan Changes to Accessory Dwelling Units regarding being allowed as STRs
 - B. Zoning Changes to Town Edge
- 8. Report of Officers and Committees**
- 9. Standing Staff Reports**
 - A. Standing Staff Report for the Month of September
- 10. Announcements - Next Meetings**
 - A. November 17th, 2025
- 11. Adjournment**

Staff Report



Planning Commission Staff Report

Agenda Title: Proposed Zoning Ordinance and Comprehensive Plan Changes to Accessory Dwelling Units regarding being allowed as STRs

Agenda Date: October 7th, 2025

Prepared by: Jack Steinmayer, Zoning Compliance Officer

Reviewed By: Katie Nunez, Director of Planning/Zoning Administrator

Date: October 1st, 2025

Type of Application: NA

Applicant: NA

Site Address NA

Tax Map: NA

Zoning:

Proposal: NA

Legal Deadline Requirements NA

Date Application Received: NA

Date Application Deemed Complete: NA

For Planning Commission:

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. Town Council max time frame is 12 months from when referred to the Planning Commission:

Background:

At the September 22nd, 2025, Planning Commission Work Session, the Planning Commission undertook reviewing a possible Zoning Text Amendment proposed by the Cape Charles Historic District Civic League to look at the possibility of allowing Accessory Dwelling Units as Short Term Rentals. Below are the proposed changes to the Comprehensive Plan and the Zoning Ordinance prepared by Staff due to the comments by the Planning Commission.

Cape Charles Comprehensive Plan Changes**Housing – Accessory Dwelling Units (pg.41)**

The Town of Cape Charles adopted ordinances in February 2019 that permitted accessory dwelling units under certain conditions, with adequate safeguards to protect the character of the existing residential neighborhood. This strategy is intended to develop new, moderate-cost rental housing while preserving the large, older homes and allowing more flexibility for elderly homeowners to stay in their homes. Among the conditions of approval for accessory apartments is that the accessory dwelling unit be “clearly subordinate to” the main unit. This is achieved by requiring that the unit be less than a specified percentage of the original house’s square footage. ~~In addition, these units cannot be rented for less than 30 days.~~

New Language in Comprehensive Plan**Mixed Use – Preferred Uses (pg. 127)**

3. Housing within this area shall lend itself to a variety of housing types (i.e., apartments, condos, single-family dwellings). It shall offer a diverse range of both rental options and ownership options to meet a range of price points to serve the community.

Cape Charles Zoning Ordinance Changes**CCZO Section 4.1 (J) (2) (a)**

*Length of Stay –An Accessory Dwelling may either be rented as a short-term rental or long-term rental; by ~~An Accessory Dwelling Unit may not be rented as a short term rental. An Accessory Dwelling Unit may be occupied by any person for no less than 30 consecutive calendar days,~~ either paying a fee for such occupancy at his/her own expense or at the expense of another ~~thirty (30) day~~ rental or greater. Upon request from any building, zoning, finance, or public safety official acting on behalf of the Town of Cape Charles, the owner of the subject lot of record upon which the Accessory Dwelling Unit sits shall provide occupancy documentation and/or information as requested in writing. *If an Accessory Dwelling Unit is going to be rented for less than thirty (30) days (Short-Term Rental), the Owner must comply with Section 4.14 of the Cape Charles Zoning Ordinance.**

Staff Report



Planning Commission Staff Report

Agenda Title: Zoning Changes to Town Edge

Agenda Date: October 7th, 2025

Prepared by: Jack Steinmayer, Zoning Compliance Officer

Reviewed By: Katie Nunez, Director of Planning/Zoning Administrator

Date: October 1st, 2025

Type of Application: NA

Applicant: NA

Site Address NA

Tax Map: NA

Zoning:

Proposal: NA

Legal Deadline Requirements NA

Date Application Received: NA

Date Application Deemed Complete: NA

For Planning Commission: NA

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. Town Council max time frame is 12 months from when referred to the Planning Commission:

Background:

At the Northampton County Board of Supervisors Meeting on September 23rd, 2025, the Board began discussions on a proposed Zoning Text Amendment that would allow for gradual density increases through changes to the Town Edge Zoning Districts. The proposed amendment would permit townhouses and duplexes as a by-right use, and

apartments and mixed-use structures (up to 4 units residential/commercial) by SUP (Special Use Permit).

Staff wanted to bring this to the Planning Commission's attention as it indicates the County is taking steps to address the lack of housing in the County proper.

Berkley Memorandum – Cluster Development



MEMORANDUM Community Development Division

To: Northampton County Board of Supervisors
 From: Kate Jones, PLA, Deputy Director of Community Development
 Anna Cherry, CFM, Planner II, Community Development
 Date: September 17, 2025
 Subject: Cluster Development – Open Space Considerations

INTRODUCTION

As the Board considers the text amendment allowing gradual density increases through changes to the Town Edge zoning districts, it is important to recognize that this effort should work towards implementing the goals of strategic growth outlined in the Comprehensive plan. This amendments should strike a balance between the need for development and the preservation of the County's rural character by focusing growth in designated areas while protecting valuable open space. Preserving at least 40% of the tract should remain a core requirement of the proposed Cluster Development, as preservation acts as a key incentive for permitting reduced lot sizes, potentially allowing lots at half the conventional size. The highlighted elements below are representative of the effort to balance both density and the preservation of rural character:

Town Edge Pattern Area (Planning Elements / Land Use / Development Areas/ Page 40):

The design principles below from the comprehensive plan, could be incorporated into the Town Edge (TE-1) district standards:

- Compact development patterns, including cluster and traditional neighborhood development are encouraged.
- Development should complement the scale, size, proportion, and character of adjacent Towns.
- Preservation, renovation, reuse, and adaptive use of existing structures is encouraged.
- Open space should be integrated and provide community spaces well-defined by streets and adjacent buildings.

Strategies to Preserve Community Resources (Planning Elements/ Land Use /Environmental Constraints & Resources /Page 20):

1. Preserve the County's rural character by directing development to areas within and adjacent to existing towns with existing or planned public utilities.
7. Evaluate residential rezoning requests for consistency with the Comprehensive Plan and fiscal impact on the community.*

***Strategy 7 will allow the PC/BOS to determine if the rezoning request is consistent with the density guidelines for Town Edge Pattern areas identified in the Future Land Use Plan.**

Strategies to Guide Growth (Planning Elements/ Land Use /Development & Growth /Page 21):

9. Work cooperatively with the Towns to attract compatible and creative development and infill that contributes to their economic and community vitality.
14. Promote compact, mixed-use development within identified development areas and encourage innovative, inclusionary, pedestrian-oriented livable communities.

Strategies to Align and Streamline Regulations (Planning Elements/ Land Use /Existing Regulations /Page 23):

20. Review existing zoning ordinances and procedures and recommend changes necessary to align County ordinances with the Plan's concepts and goals.
21. Update land use regulations to provide clear and simplified requirements that promote economic development, enable creative housing choices, and protect sensitive resources.

CLUSTER DEVELOPMENT

As defined in the comprehensive plan, Cluster Development is a design concept that attempts to achieve balance between growth and preservation by grouping residential and/or commercial uses together in a suburban setting and preserving other rural settings. Note that cluster development is specifically identified as a strategy to guide growth¹ "Promote cluster development along Route 13 located in existing towns and town edges, implementing vehicular and pedestrian strategies that ensure safety and flow during peak seasons."

When considering cluster development, it is important to note the difference between the terms "lot size" and "density". Density refers to the total number of lots on a tract divided by the total area of the tract, which yields a measure of average "lots per acre". The size of individual lots on that tract may vary from the average density because some lots could be smaller than average, and others could be larger than average.

¹ Your Northampton Comprehensive Plan, 2040

Also note the difference between "regular" or conventional lots and "cluster" lots. Regular lots are formed when a tract is divided into roughly uniform-sized lots of the minimum permitted lot size. Cluster lots are formed when the same number of lots are created, but each has a smaller area, so that they can be "clustered" onto a portion of the tract, leaving the remainder of the tract in open space or in lots that are larger than the average size. The following illustrations compare a conventional subdivision of "regular" lots and stormwater retention is the only breaks, with a clustered subdivision incorporating clustered lots with open space being preserved.

Conventional Site Plan



Cluster Site Plan



Graphic courtesy of Sympoetica

Density is equal in both examples (this is customary with most cluster development designs)

The following table compares the amount of open space benchmark communities are requiring to be preserved when incorporating clustered lots into their development options.

| Community | Open space considerations |
|--------------|---|
| Accomack | A maximum of 60 percent of the total initial tract area may be established as cluster lots, as defined herein, including all internal roads, streets and alleys. The minimum lot area for each cluster lot is 6,000 square feet. The maximum lot area for each cluster lot is 30,000 square feet. |
| Spotsylvania | Residential (R-2 District: Cluster subdivision: 30% Open Space required |

| Community | Open space considerations |
|----------------------|---|
| Prince William | <p>The portion of the gross acreage of a rural <i>cluster</i> development that is not developed as residential lots and as internal street(s) shall be provided as open space. The open space shall not be less than 50% of the gross acreage of the rural <i>cluster</i> development.</p> <p>Open space in rural <i>cluster</i> developments shall be laid out so as to provide adequate setbacks and other appropriate transitions to and from surrounding land uses.</p> |
| Hanover County | <p>Mandatory rural cluster to obtain maximum permitted density. Sixteen clustered lots are permitted per each 100 acres with a minimum of 70% open space required (slightly more than six acres per lot on average). If cluster is not used, minimum lot size/density is 10 acres per dwelling in the agricultural zone.</p> |
| Isle of Wight County | <p>Voluntary rural cluster with density incentives. In order to get a higher density than the restrictive agricultural zone allows (about 40 acres per lot), the owner may cluster the subdivision lots and achieve a density of 1 per 10 acres if 50% of the tract is preserved in open space, 1 per 8 acres if 60% is preserved, and 1 per 5 acres if 70% is preserved.</p> |
| Northampton | <p>§ 154.2.103 STANDARDS FOR DEVELOPMENT IN THE AGRICULTURAL DISTRICTS.</p> <p>(A) In order to promote the county's Comprehensive Plan goals of preserving prime or unique agricultural and woodland areas and limiting the scale of residential development in agricultural areas, and in recognition of the fact that the groundwater supply is limited and vulnerable to both depletion and contamination, the following standards are established in the Agricultural Districts.</p> <p>(2) Open space density bonus option. A density bonus will apply when residential development is clustered on small lots with at least 85% open space reserved in the development, as follows:</p> <p>(a) The maximum residential density of development in the A District under the open space density bonus option shall be one dwelling unit per ten acres of buildable area if the minimum open space preserved from the base parcel is at least 85% (e.g. for a 100-acre base parcel, 85 acres would have to remain in open space). Lots no less than 30,000 square feet may be divided from the base parcel under this option. Individual lots created still also must meet maximum lot coverage requirements.</p> <p>(b) Before an open space density bonus option development lawfully may be approved in the A District, it must be established to the satisfaction of the county's Health Department that each and all of its lots in the proposed development can adequately be served by onsite water and sewage disposal systems.</p> |

CONCLUSION

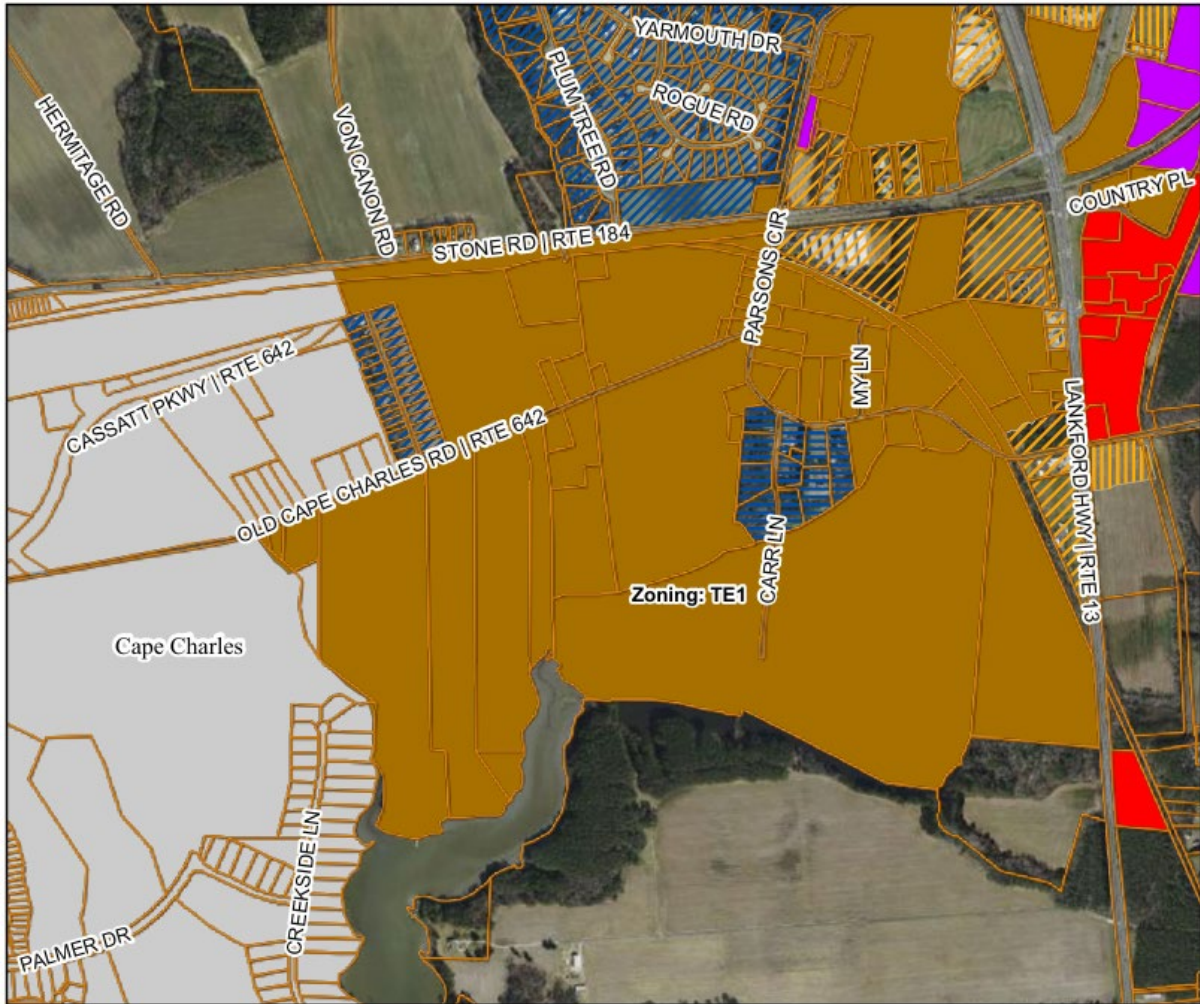
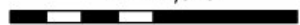
This amendments should strike a balance between the need for development and the preservation of the County's rural character by focusing growth in designated areas while protecting valuable open space. To ensure this balance, it is recommended that development be guided by a 40/60 land preservation-to-development ratio. If the amount of land designated for development exceeds these thresholds, the County should consider guiding the applicant to a non-cluster option that as proposed in the TE amendments, reduces the minimum lot size options. Preserving at least 40% of the tract should remain a core requirement of Cluster Development , as preservation acts as a key incentive for permitting reduced lot sizes, potentially allowing lots at half the conventional size. The cluster development options will be achieving the County's long-term vision for land conservation and sustainable growth.

Attachment: ADDENDUM 1, and the proposed Appendix B Densities, Lot Sizes and Dimensions amendments can be found in ADDENDUM 2.

Aerial of Area for Proposed Zoning Changes

TE-1 around CC

1" = 1,348'



Northeastern County, Virginia

Ordinance 2025-004



**Northampton County Board of Supervisors
County Ordinance No. 2025-004**

AN ORDINANCE, NO. 2025-004

Amending §§ 154.2.00, 154.2.003, 154.2.081, 154.2.082, Appendix A: Use Regulations, and Appendix B: Densities, Lot sizes, and Dimensions of Chapter 154.2 of the Northampton County Code, and adding § 154.2.123 to that Chapter, to establish provisions governing development in the Town Edge zoning district and to update permitted, special, and accessory uses and related development standards in the Town Edge and Commercial General zoning districts.

DRAFT

Referral to Planning Commission by Board of Supervisors: _____, 2025
Review by Planning Commission: _____, 2025
Public Hearing by Planning Commission: _____, 2025
Public Hearing by Board of Supervisors: _____, 2025

That Sections 154.2.002, 154.2.003, 154.2.081, and 154.2.082 of Chapter 154.2 of the Northampton County Code be and hereby are amended, as follows:

§ 154.2.002 INTENT AND PURPOSE.

(A) Intent. This chapter is intended to encourage the improvement of public health, safety, convenience and general welfare of citizens and to plan for future development of communities. It seeks to implement the goals, objectives and policies set forth in the Comprehensive Plan of Northampton County adopted by the Board of Supervisors of Northampton County and as set forth in the Code of Virginia, including but not limited to VA Code §§ 15.2-2200, 15.2-2283, 15.2-2284, and 15.2-2223.

(B) Purposes. ~~The regulations that follow are part of~~ County zoning ordinance is integral to the county's County's comprehensive program to guide and facilitate the orderly and economical growth of the community and to promote the public health, safety, convenience, comfort,

prosperity and general welfare. More specifically, the ~~purpose of these regulations is~~ provisions of the zoning ordinance are to:

- (1) Provide for adequate light, air, convenience of access and safety from fire, flood, impounding structure failure, crime, and other dangers;
- (2) Reduce or prevent congestion in the public streets;
- (3) Facilitate the creation of a convenient, attractive and harmonious community;
- (4) Assure that residential areas be provided with healthy surroundings for family life;
- (5) Facilitate the provision of adequate police and fire protection, medical services, disaster evacuation, civil defense, transportation, water, sewerage, flood protection, schools, parks, forests, playgrounds, recreational facilities, airports and other public requirements;
- (6) Protect against destruction of or encroachment upon historic areas and working waterfront development areas;
- (7) Protect against the following: overcrowding of land, undue density of population in relation to the community facilities or natural resources existing or available, including soil and groundwater supply, obstruction of light and air, danger and congestion in travel and transportation, or loss of life, health or property from fire, flood, panic or other dangers;
- (8) ~~Assure~~ Ensure that the growth of the community ~~be~~ is consonant with the efficient and economical use of public funds;
- (9) Encourage economic development activities that provide desirable employment and enlarge the tax base;
- (10) Provide for the preservation of agricultural and forestal lands and other lands of significance for the protection of the natural environment, by measures including, but not limited to, the following: reducing and preventing sedimentation and soil erosion that may harm citizens or the natural environment; protecting the marine environment for the preservation of the waters of the Chesapeake Bay, the Atlantic Ocean, and the seafood industry; providing for the orderly development of the county in order to conserve valuable natural resources including farmland, forests, dunes, wetlands, waters and wildlife; and allowing for the safe and unobtrusive excavation or mining of soil or other natural resources;
- (11) Protect surface water and ground water by means consistent with applicable state water quality standards;
- (12) Promote the creation and preservation of affordable housing suitable for meeting the current and future needs of the planning district within which the locality is situated;
- (13) Protect approach slopes and other safety areas of licensed airports and landing areas, including United States government and military air facilities.
- (14) To provide reasonable modifications in accordance with the Americans with Disabilities Act of 1990 (42 U.S.C. §§ 12131 et seq.) or state and federal fair housing laws, as applicable. Such chapter may also include reasonable provisions not inconsistent with applicable state water quality standards, to protect surface water and ground water as defined in VA Code § 62.1-255.

(C) Small Area Plans. Small area plans are detailed analyses of the development needs and

potential of specific physical areas of the County which have been identified by the County or a prospective developer. The County shall establish a process for developing small area plans as a valuable long range planning tool that incorporates the voices and visions of community members and leaders throughout the County.

(1) Small area plans shall be developed in a collaborative process with the Town nearest the focus area so as to ensure that the proposed development aligns with each Town’s vision and plans for infrastructure enhancements or expansions.

(2) The process shall include (i) a geographic and descriptive delineation of the specific physical area of focus rendered by a current and accurate land survey, (ii) an initial inventory of the area’s topography, structures, and infrastructure, and (iii) identification of suitable areas for the different types of development being proposed, including, for example, multi-family homes, commercial, and light industrial uses.

(3) The small area plan shall identify density requirements, lot coverage, setbacks, and vegetated buffers tailored to the subject physical area of focus, and shall indicate which of those represent deviations from requirements in the County Zoning Ordinance, and why such deviations are necessary to effective development.

§ 154.2.003 DEFINITIONS.

...

LOT, AREA. The total horizontal area included within the rear, side and front lines or proposed street lines of the lot, excluding any streets or highways, whether dedicated or not dedicated to public use, but including off-street automobile parking areas and other accessory uses. Lot areas shall not include portions under water except where the total area of a body of water is within a lot.

LOT, CLUSTER. The type of lot formed when in a smaller size such that they can be "clustered" onto a portion of the tract, leaving the remainder of the tract in open space or in lots that are larger than the average size.

LOT, CONVENTIONAL. The type of lot formed when a tract is divided into roughly uniform-sized lots that meet the minimum requirements for lot size.

LOT, CORNER. A lot abutting two or more roads, rights-of-way, or access easements at their intersection on the two sides of a corner lot; the front of the lot shall be the shorter of the two sides fronting on such roads, rights-of-way or access easements.

...

§ 154.2.081 ZONING DISTRICTS CREATED.

~~For purposes of this chapter, the following classes of districts and sub-districts are created:~~

County zoning districts may be designated as primary or secondary.

(A) *Primary zoning districts.* The entire territory under the jurisdiction of Northampton County, exclusive of the incorporated towns, is classified into primary zoning districts to be known and cited as:

- (1) Conservation District (C);
- (2) Agriculture/Rural Business District (A);
- (3) Hamlet/Residential District (H/R);
- (4) Waterfront Hamlet/Residential District (WH/R);
- (5) Village District (V);
- (6) Waterfront Village District (WV);
- (7) Existing Cottage Community/ Residential District (ECC/R);
- (8) Town Edge District (TE~~1~~);
- (9) Existing Business District (EB);
- (10) Existing Industrial District (EI);
- (11) Existing Subdivision/Residential District (ES/R);
- (12) Commercial District (C-1).
- (13) Town Edge – Commercial General District (TE-CG).

(B) *Secondary zoning districts.* The Village District (V), Waterfront Village District (WV), ~~Town Edge District (TE)~~, and Existing Subdivision/ Residential District (ES/R) are further classified into secondary zoning districts.

(1) The Village District (V) is sub-classified into three secondary zoning districts to be known and cited as:

- (a) Village - 1 District (V-1);
- (b) Village/Residential District (V/R);
- (c) Village - Neighborhood Business District (V-NB).

(2) The Waterfront Village District (WV) is sub-classified into four secondary zoning districts to be known and cited as:

- (a) Waterfront Village - 1 District (WV-1);
- (b) Waterfront Village/Residential² District (WV/R);

- (c) Waterfront Village - Neighborhood Business District (WV-NB);
- (d) Waterfront Village - Waterfront Commercial District (WV-WC).

(3) ~~The Town Edge District (TE) is sub-classified into four secondary zoning districts to be known and cited as:~~

- ~~— (a) Town Edge 1 District (TE-1);~~
- ~~— (b) Town Edge/Residential District (TE/R);~~
- ~~— (c) Town Edge Neighborhood Business District (TE-NB);~~
- ~~— (d) Town Edge Commercial General District (TE-CG).~~

~~The TE/R, TE-NB, and TE-CG Districts are available upon approval by the Board of Supervisors of a rezoning application in areas zoned TE-1.~~

~~(4) The Existing Subdivision District/Residential (ES/R) is sub-classified into eight secondary districts to be known and cited as:~~

~~... [no further changes to this Code section]~~

§ 154.2.082 STATEMENTS OF INTENT FOR PRIMARY AND SECONDARY ZONING DISTRICTS.

...

(G) *Existing Cottage Community/Residential District (ECC)*. The intent of this District is to recognize existing rural residential development located on or near the water, predating the county's adoption of a zoning ordinance or developed under old zoning standards, and which are not served by public utilities. It is the intent of Northampton County not to create any new Existing Cottage Community/ Residential Districts, and the presence of an Existing Cottage Community/Residential shall not serve as justification for expansion of the District into surrounding Agriculture/Rural Business or Conservation Districts.

(H) (1) *Town Edge District (TE-1)*. The intent of this primary district is to provide potential development areas adjacent to incorporated towns which may, in the future, be served by extensions of public water and sewer services from the towns. Growth and increased development ~~are intended to~~ may occur simultaneously with the provision of public infrastructure, including, but not limited to, public sewer and water, to support such growth and development, but on-site provision of utilities also may be used. ~~Four secondary districts are provided:~~ Development may provide for a mix of farming activities, residential, home business, low-impact commercial and community service uses at a density or intensity similar to that of the adjacent town, taking into consideration the feasibility of, and impacts from, infill development within the town. The growth should be a compatible mix of neighborhood-scale commercial, community service, very light industrial, and residential uses, at a density higher than other County residential districts

~~(1) Town Edge 1 District (TE-1)~~. The intent of this secondary district is to provide for a ~~mix of farming activities, low density residential, and other low-impact uses at a~~

density/intensity higher than that of the surrounding agricultural areas, but lower than may be appropriate in the TE/R district.

—(2) ~~Town Edge/Residential District (TE/R)~~. The intent of this secondary district is to provide for a mix of residential, home business, low impact commercial and community service uses at a density/intensity similar to that of the adjacent town, taking into consideration the feasibility of, and impacts from, infill development within the town.

—(3) ~~Town Edge - Neighborhood Business (TE-NB)~~. The intent of this secondary district is to provide for a compatible mix of neighborhood scale commercial, community service, very light industrial, and residential uses at a density higher than that in the Town Edge - I District and similar to that of the adjacent town.

—(4) (2) Town Edge - Commercial General (TE-CG). The intent of this ~~secondary~~ primary district is to provide for a mix of commercial, community-service, and light manufacturing/industrial uses adjacent to incorporated towns and at a density similar to that of the adjacent town.

Uses, development standards, and density provisions for the Town Edge Districts are detailed in Section 154.2.122.

(I) *Existing Business District (EB)*.

(1) The intent of this District is to recognize commercial uses and zones outside of Village, Waterfront Village, Hamlet/Residential, Waterfront Hamlet/Residential, and Town Edge Districts which already exist, but in areas which are not recommended by the Comprehensive Plan for such use(s) or for further development or expansion of such use(s) on adjacent sites. The Existing Business designation shall apply to all parcels (or the portions thereof) that:

.... [no further changes to this Code section]

§ 2. That Section 154.2.123 is added to Chapter 154.2 of the Northampton County Code, as follows:

§ 154.2.123 Standards for Development in the Town Edge District (TE-1)

(A) Uses Permitted in Town Edge (TE-1).

(1) The uses allowed in the TE-1 District are those listed in Appendix A to the Northampton County Zoning Ordinance (Use Regulations). Such uses shall be subject to the requirements of Sections 154.2.60 – 66, 154.2.100 – 121, 154.2.125 – 128, 154.2.140 -147, 154.2.190 – 199, and 154.2.205 – 213, except that the Board may consider deviations from such requirements in accordance with the special use process detailed in Section 154.2.042. In ruling on any special use permit, the Board shall consider whether provisions in derogation of those referenced above should be added to this section to facilitate development in the Town Edge District.

(2) Certain uses shall be further regulated in the TE-1 District in accordance with the following requirements:

(a) Accessory structures shall be (1) limited to one per lot; and (2) permitted with an occupied principal dwelling.

(b) Residential developments specified in section 154.2.122(B)(1)(b) – Cluster Development.

(c) Apartments; deviations from lot size and density requirements may be permitted by the Board of Supervisors through a Major Special Use Permit in accordance with Section 154.2.042 (B)(1)(a).

(B) Area and Density Regulations, Residential Lots

(1) Lots in the Town Edge (TE-1) district may be conventional lots or cluster lots. Tidal wetlands and nontidal wetlands shall not be counted toward the calculation of the minimum lot area for the purposes of meeting the density requirements set forth herein.

(a) Conventional lots:

(i) For lots served by central water and sewage disposal, the minimum lot area shall be 10,000 square feet subject to approval of a major special use permit.

(ii) For lots served by central water but not central sewage disposal, the minimum lot area shall be 15,000 square feet subject to approval of a major special use permit.

(iii) For lots not served by central water and sewage disposal, the minimum lot area shall be 20,000 square feet.

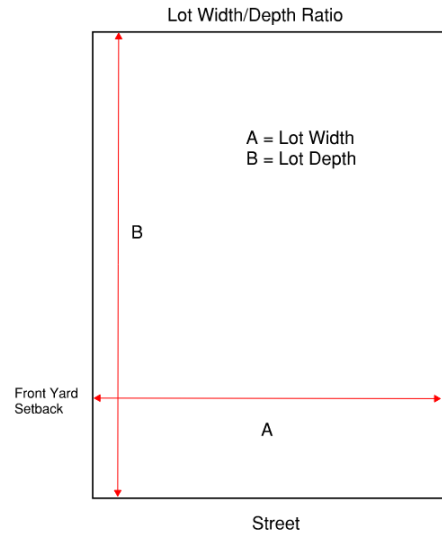
(b) Cluster Development:

(i) A maximum of 60 percent of the total uplands area may be established as cluster lots, as defined herein, including all internal roads, streets, and alleys.

(ii) The minimum lot area for each cluster lot is 10,000 square feet. Any lot of 10,000 square feet shall have on-site sewage and water supply systems approved by the Virginia Health Department and are subject to approval of a Major Special Use Permit in accordance with Section 154.2.042.

(iii) The maximum width/depth ratio of a cluster lot is 1:5, as measured by the average length and width of the lot at front setback.

(iv) If adjacent land is zoned agricultural, cluster lots shall be located adjacent to the common open space and the cluster lots shall be fronted on a right of way that meets the standards of the subdivision ordinance section 156.096, so as to maintain the connection of the non-common open space to surrounding agricultural lands such that common open space is located more distant from surrounding agricultural lands than non-common open space. All land not included within lots or required for public or private streets shall be maintained as common open space except as expressly permitted herein.. Common open space land shall generally be designed to constitute a contiguous and cohesive unit of land which may be used for recreation by residents and shall be reasonably accessible to all permitted uses and all residential units within the development. Regulations for Common and Non-Common open space are established in § 154.2.104 Standards for Open Space Preservation.



(C) Notwithstanding any other provision of this section, the impervious portion of any lot shall not exceed the following: (i) 20 percent maximum impervious area for a minimum 20,000 square foot lot; (ii) 25 percent maximum impervious area for a minimum 15,000 square foot lot; and (iii) 40 percent maximum impervious area for a minimum 10,000 square foot lot.

(D)General Yard Regulations

- (1) The requirements set forth below shall apply to developments in the Town Edge district and shall supersede any conflicting provisions in this section:
 - a. For Modifications to Yard regulations See § 154.2.141 General Modifications to Yard Regulations.
 - b. For Front Yard Regulations see § 154.2.142 Front Setback/Yard Regulations.
 - c. For Side Yard Regulations see § 154.2.143 Side Yard Regulations.
 - d. For Rear Yard Regulations see § 154.2.144 Rear Yard Regulations.

(E)Height Regulations

(1) The requirements set forth in § 154.2.145 Height and Bulk Regulations shall apply to developments in the Town Edge district and shall supersede any conflicting provisions in this section.

(F) Submission Requirements

(1) See Chapter 156: Subdivision Code.

(G) Special Use Permits. In addition to the criteria detailed in Section 154.2.042, the Board shall consider the extent to which a development in the Town Edge District displays the following characteristics:

- Compact development patterns, including cluster and traditional neighborhood development.
- A scale, size, proportion, and character complementary of existing uses, structures, and development in adjacent Towns.
- Preservation, renovation, reuse, and adaptive use of existing structures.
- Open space which provides community spaces well-defined by streets and adjacent buildings.

§ 3. That Appendix A: Use Regulations Chapter 154.2 of the Northampton County Code be and hereby is amended as shown in the attachment.

§ 4. That Appendix B: Densities, Lot Sizes and Dimensions of Chapter 154.2 of the Northampton County Code be and hereby are amended as follows (strikethrough indicates deletions; underline indicates additions)

See the attachment for the proposed amendments.

§ 5. That this ordinance shall be in force and effect upon adoption.

Adopted this ____ day of _____, 2025.

John Coker, Chairman
Northampton County Board of Supervisors

ATTEST:

Charles Kolakowski, Clerk
Northampton County Board of Supervisors

Ayes _____

Nays _____

Abstentions _____

Use Chart Amendment

Janice Williams

From: Anna Cherry <anna.cherry@bgllc.net>
Sent: Friday, September 19, 2025 9:10 AM
To: Ellen Bowyer; Janice Williams
Cc: Charles Kolakowski; Michael Starling
Subject: [External]Re: ZTA Proposals
Attachments: ZTA 2025-4 Use Table and Appendix B FINAL.docx

Good morning,

Please see the attached revised ZTA 2025-04 Use Chart Amendment that includes previous changes that were neglected in the most recent version sent over.

We cannot remove some of the uses that were struck without altering the entirety of the use chart as a whole. If the board wishes us to continue the consolidation of the use chart that will need to be a separate task from the Town Edge amendment and will take the suggested edits into consideration at that time.

Anna Cherry, CFM

Planner II

Community Development

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Berkley Group

www.bgllc.net



From: Michael Starling <michael.starling@co.northampton.va.us>
Sent: Wednesday, September 17, 2025 3:39 PM
To: Ellen Bowyer <ellen.bowyer@co.northampton.va.us>
Cc: Janice Williams <jwilliams@co.northampton.va.us>; Charles Kolakowski <ckolakowski@co.northampton.va.us>; Anna Cherry <anna.cherry@bgllc.net>
Subject: ZTA Proposals

Ellen,

Anna and I worked on completing the ZTAs for the Town Edge District and the Food Trucks today. Our final drafts are attached. I would expect the format to be acceptable to you as we did not change your setup. Please review and let Janice know if this is good to post on BoardDocs by Friday, as Charlie would like for this to go to the Board on Tuesday.

I will be out tomorrow and Friday, but will be able to check my emails. Feel free to reach out to either myself and/or Anna if you have any questions.

Thanks,

Michael Starling, LS, CFM, CZA

Interim Director of Planning
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| APPENDIX A: USE REGULATIONS | | | | | | |
|---|--|------------------|---------------------|----------|-----------|-----------|
| Category 1 - Agricultural Uses | | Town Edge | | | | |
| EDITS ARE SHOWN BY <u>BLUE UNDERLINE (ADDITION)</u> AND STRIKETHROUGH (REMOVAL) | | TE-1 | 1 | R | NB | CG |
| 1 | Agri-business office, on-site | <u>R</u> | R | - | - | - |
| 2 | Agriculture research facility | <u>E</u> | M/S | - | M/S | M/S |
| 3 | Agritourism activities at an agricultural operation | <u>R</u> | R | - | - | - |
| 4 | Forestry and forestry product harvesting | <u>R</u> | R | R | R | R |
| 5 | Grain storage facility, commercial | <u>E</u> | - | - | - | - |
| 6 | Grain storage facility, private | <u>R</u> | M/S | - | - | - |
| 7 | Grain/soybean production | <u>R</u> | R | R | R | R |
| 8 | Greenhouse sales, retail with outdoor storage and accessory goods/services | <u>R</u> | S | S | R | R |
| 9 | Greenhouse sales, wholesale with outdoor storage | <u>R</u> | R | - | - | R |
| 10 | Horse barn, private* (one per acre) | <u>R</u> | R | M/S | - | - |
| 11 | Horse boarding/ training, commercial* with accessory goods/services | <u>S</u> | S | - | - | - |
| 12 | Irrigation pond, excavated/im pounded | <u>E</u> | M/S | - | - | - |
| 13 | Irrigation well (over 300,000 gallons per month) | <u>E</u> | M/S | - | - | - |
| 14 | Landscape contractor - design and maintenance | <u>E</u> | R | M/S | M/S | R |

R - By Right S - Special Use Permit M/S - Minor Special Use Permit E - Exempt from Zoning Clearance

| | | | | | | |
|----|---|---|-----|-----|-----|-----|
| 15 | Livestock - domestic/for private use (traditional farm-based livestock husbandry) | R | R | M/S | - | - |
| 16 | Livestock production - intensive | E | - | - | - | - |
| 17 | Migrant labor camp | E | S | - | - | - |
| 18 | Orchard/vine yard with accessory goods/services | R | R | R | R | S |
| 19 | Ornamental plant nursery with greenhouses (less than 20 acres) with accessory goods/services | R | R | R | - | - |
| 20 | Ornamental plant nursery with greenhouses (greater than 20 acres) with accessory goods/services | E | M/S | - | - | - |
| 21 | Packing shed, commercial | R | M/S | - | - | - |
| 22 | Packing shed, private on farm | R | R | - | - | - |
| 23 | Preparation, processing or sale of food products associated with an agricultural operation | R | R | R | R | R |
| 24 | Sale of agricultural products from a farm market | R | R | R | R | R |
| 25 | Sale of agricultural products from a farm stand | R | R | R | R | R |
| 26 | Traditional animal husbandry | E | - | - | - | - |
| 27 | Use of structure accessory to a farming operation | E | R | R | R | R |
| 28 | Vegetable production | R | R | R | R | R |
| 29 | Wildlife impoundment ponds, seasonal | E | R | - | R | - |
| 30 | Winery, production, with accessory goods/services | R | R | - | M/S | M/S |

| Category 2 - Commercial Uses | | | | | | |
|-------------------------------------|--|-------------|----------|----------|-----------|-----------|
| | | TE-1 | T | R | NB | CG |
| 1 | Adult daycare, 7 or more* | S | - | - | S | R |
| 2 | Adult daycare, up to 6* | R | M/S | M/S | R | R |
| 3 | Aerobic studios, up to 2,500 sq. ft. with accessory goods/services | M/S | - | S | R | R |
| 4 | Animal grooming with accessory goods/services | R | M/S | M/S | R | R |
| 5 | Antiques mall, enclosed, greater than 2,500 sq. ft. | R | - | - | - | R |
| 6 | Antiques shop, enclosed - up to 2,500 sq. ft. | R | M/S | M/S | R | R |
| 7 | Appliance repair shop - no outside storage | R | R | - | R | R |
| 8 | Artist studio, up to 2,500 sq. ft. | E | M/S | M/S | R | R |
| 9 | Artist studio, over 2,500 sq. ft., up to 5,000 sq. ft. | E | M/S | - | R | R |
| 10 | Artisan studio, up to 2,500 sq. ft. | E | M/S | M/S | R | R |
| 11 | Artisan studio, greater than 2,500 sq. ft. to 5,000 sq. ft. | E | M/S | - | R | R |
| 12 | Auction markets, enclosed | S | - | - | S | R |
| 13 | Auto body/auto painting shops | E | - | - | S | S |
| 14 | Auto rental agency | S | - | - | S | R |
| 15 | Auto repair garage | E | - | - | S | R |

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| | | | | | | |
|-----|--|-----|-----|-----|---|---|
| 16 | Auto sales, service and rentals up to 20,000 sq. ft. | S | - | - | S | R |
| 17 | Auto service stations | S | - | - | S | S |
| 18 | Banks/financial institutions | R | - | - | S | R |
| 19 | Barber shops with accessory goods/services | R | - | - | R | R |
| 20 | Beauty shops with accessory goods/services | R | - | - | R | R |
| 21 | Bed and breakfast | R | M/S | M/S | R | R |
| 22 | Beverage distribution, wholesale | E | - | - | S | R |
| 23 | Bicycle rentals/sales with accessory goods/services | R | R | R | R | R |
| 24 | Bowling alley | E | - | - | S | R |
| 25 | Broadcasting studio, radio/tv | E | - | - | S | R |
| 26 | Building material sales with outside storage | E | - | - | S | R |
| 27 | Campgrounds with accessory goods/services | E | S | - | - | - |
| 27A | Campground, rustic | E | S | - | - | - |
| 28 | Car wash | E | - | - | S | R |
| 29 | Carpet and rug cleaning | E | - | - | - | S |
| 30 | Catering, off-premise service | R | M/S | M/S | R | R |
| 31 | Conference/ retreat center, up to 10 guest rooms, with accessory goods/services | M/S | M/S | S | S | R |

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| | | | | | | |
|----|---|---|-----|-----|-----|---|
| 32 | Conference/ retreat center, 11 - 25 guest rooms, with accessory goods/services | = | S | - | S | |
| 33 | Convenience store | = | S | - | S | S |
| 34 | Dance halls (up to 3,000 sq. ft.) | = | - | - | M/S | R |
| 35 | Dance halls (3,000 - 5,000 sq. ft.)* | = | - | - | S | R |
| 36 | Dance/visual arts studios, instructional | = | - | - | R | R |
| 37 | Day spa with accessory goods/services | = | R | M/S | R | R |
| 38 | Design studio, up to 2,500 sq. ft. | = | M/S | - | R | R |
| 39 | Design/ production facility, up to 5,000 sq. ft. | = | S | - | R | R |
| 40 | Domestic animal training with accessory goods/services | R | M/S | M/S | R | R |
| 41 | Dry cleaning/ laundry | = | - | - | S | S |
| 42 | Electrical repair shop, no outside storage | = | - | - | R | R |
| 43 | Event Venue | = | - | - | - | S |
| 44 | Flea market with permanent structure or without | = | - | - | S | R |
| 45 | Flexible term rental units | = | - | - | S | R |
| 46 | Funeral homes (with or without crematorium) | = | - | - | S | R |

| | | | | | | |
|----|---|---|-----|-----|-----|---|
| 47 | Furniture repair/ refinishing and restoration; cabinet making/ carpentry shop | S | M/S | - | R | R |
| 48 | Game center, coin-operated | - | - | - | S | R |
| 49 | Guide/outfitter services*, waterfront service, with accessory goods/services | R | M/S | M/S | R | R |
| 50 | Health club/fitness center with accessory goods/services | - | - | - | R | R |
| 51 | Home occupation - Home business/office | R | R | R | R | R |
| 52 | Home occupation - micro-business/office | E | E | E | E | E |
| 53 | Inn, historic - Pre 1950 structure with accessory goods/services | R | M/S | M/S | R | R |
| 54 | Kennels and boarding of animals with accessory goods/services | - | M/S | - | S | R |
| 55 | Landscape contractor - design and maintenance | - | R | M/S | M/S | R |
| 56 | Laundromat | - | - | - | S | R |
| 57 | Lawn mower/small engine sales, service, w/opaque screened outdoor storage | - | M/S | - | R | R |
| 58 | Memorial burial parks, commercial or non-profit operation (not part of a church yard) | - | S | - | - | - |
| 59 | Meteorological (MET) tower | - | - | - | - | - |
| 60 | Miniature golf | - | - | - | S | R |
| 61 | Mini-storage facilities | - | - | - | - | R |
| 62 | Mobile home sales | - | - | - | - | R |

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| | | | | | | |
|----|---|-----|-----|-----|-----|---|
| 63 | Moped rentals and sales | E | M/S | - | R | R |
| 64 | Motels and hotels, up to 10 rooms | E | - | - | S | R |
| 65 | Motels and hotels, 11 - 25 rooms | E | - | - | S | R |
| 66 | Motels and hotels, 26 - 100 rooms | E | - | - | - | S |
| 67 | Music studio | E | - | - | M/S | R |
| 68 | Neighborhood commercial center, up to 5,000 sq. ft. | S | - | - | M/S | R |
| 69 | Neighborhood commercial center, 5,000 - 10,000 sq. ft. | S | - | - | S | R |
| 70 | Nursery/ daycare of preschool children (6 or less) | R | R | M/S | R | R |
| 71 | Nursery/ daycare of preschool children (7 or more) | E | S | - | S | R |
| 72 | Office, business | M/S | - | M/S | R | R |
| 73 | Office, professional | M/S | - | M/S | R | R |
| 74 | Other retail establishment, 2,500 - 5,000 sq. ft. | S | - | - | M/S | R |
| 75 | Other retail establishment, including waterfront service, less than 2,500 sq. ft. | E | - | - | R | R |
| 76 | Other retail establishment, 5,000 - 25,000 sq. ft. | E | - | - | - | R |
| 77 | Petroleum product bulk storage for wholesale | E | - | - | - | - |
| 78 | Photographic studio | S | - | - | R | R |

| | | | | | | |
|----|--|---|-----|-----|-----|----|
| 79 | Plein Aire events | E | R | R | R | R |
| 80 | Plumbing repair shop | S | - | - | R | R |
| 81 | Pool/billiard room* | E | - | - | S | R |
| 82 | Railroad passenger station | E | S | - | S | - |
| 83 | Regional commercial center, up to 20,000 sq. ft. | E | - | - | - | R |
| 84 | Restaurant, over 2,500 sq. ft. or any with drive-thru service | S | - | - | S | R |
| 85 | Restaurant, any with outdoor seating, no drive-thru | S | - | - | S | R |
| 86 | Restaurant, including waterfront service, less than 2,500 sq. ft., no drive-thru service | S | - | - | S | R |
| 87 | Adaptive Re-Use Business | R | M/S | - | M/S | R |
| 88 | RV/camper sales/service/ rentals | E | - | - | - | R |
| 89 | Schools of special instruction, less than 25 students | E | - | - | R | R |
| 90 | Schools of special instruction, 25 or more students | E | - | - | S | R |
| 91 | Shoe repair | R | - | - | R | R |
| 92 | Short term rental | E | R | R | R | R- |
| 93 | Skating rink, ice/roller | E | - | - | S | R |
| 94 | Specialty food production, 2,500 sq. ft. or less | R | M/S | M/S | R | R |
| 95 | Stone monument processing | E | - | - | S | R |

| | | | | | | |
|-----|---|---|-----|---|-----|---|
| 96 | Subdivision sales/rental office, on-site at an approved subdivision | R | R | R | Z | R |
| 97 | Taxidermy services | E | M/S | - | R | R |
| 98 | Temporary seasonal sales - Christmas trees, seafood, etc. (4 - 30 days) with accessory goods/services | R | R | R | R | R |
| 99 | Theater, indoor single screen/stage less than 5,000 sq. ft. | E | - | - | S | R |
| 100 | Tourism info office, kiosk or staffed | R | M/S | - | M/S | R |
| 102 | Truck/freight terminal | E | - | - | - | S |
| 103 | Truck stop | E | S | - | - | S |
| 104 | Veterinary clinics with accessory goods/services | S | S | - | S | R |
| 105 | Veterinary services (no overnight boarding) with accessory goods/services | R | M/S | - | R | R |
| 106 | Warehousing, including moving and storage with accessory goods/services | E | - | - | - | R |
| 107 | Wood splitting and packing | E | M/S | - | - | - |
| 108 | Yard/garage sales, 4 - 15 days | R | R | R | R | R |
| 109 | Yard/garage sales, temporary, 3 days or less | E | E | E | E | E |

| | | | | | |
|--|--|-----------|----------|----------|-----------|
| | Category 3 - Community Service Uses | | | | |
| | | TE | 1 | R | NB |

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| | | | | | | |
|----|---|---|-----|-----|-----|-----|
| 1 | Adult daycare, 7 or more* | S | - | - | S | |
| 2 | Adult daycare, up to 6* | R | M/S | M/S | R | R |
| 3 | Airstrip, private normal use (PNU) | E | - | - | - | - |
| 4 | Airstrip, private occasional use (POU) | E | - | - | - | - |
| 5 | Alternative wastewater treatment system (accessory) | R | M/S | M/S | M/S | M/S |
| 6 | Animal shelter, non-profit operation | E | M/S | - | S | R |
| 7 | Churches/ places of worship (with or without on-site cemetery) up to 10,000 sq. ft. | R | R | M/S | M/S | R |
| 7A | Churches/ places of worship (with or without on-site cemetery) 10,001 - 20,000 sq. ft. | R | M/S | S | M/S | M/S |
| 8 | Colleges/ universities | S | - | - | S | R |
| 9 | Community center, up to 5,000 sq. ft. | S | - | - | S | R |
| 10 | Helipad, private | E | - | - | - | - |
| 11 | Hospitals | S | - | - | S | R |
| 12 | Library | R | S | S | R | R |
| 13 | Medical clinics (outpatient) | S | - | - | S | R |
| 14 | Meeting facilities for fraternal, civic and similar organizations, up to 5,000 sq. ft. | S | - | - | S | R |

| | | | | | | |
|----|--|---|---|-----|---|---|
| 15 | Museums, public or commercial, with accessory goods/services | S | - | - | R | |
| 16 | Nursery/ preschool (6 or less)* | R | R | M/S | R | R |
| 17 | Nursery/ preschool (7 or more)* | - | - | - | S | R |
| 18 | Post offices | S | - | - | R | R |
| 19 | Public safety facilities - police, fire, rescue stations, including government offices | R | - | - | R | R |
| 20 | Public utility, Class A: See definition | R | R | - | R | R |
| 21 | Public utility, Class B: See definition | S | S | S | S | S |
| 22 | Recreational, educational or social events by a non-profit organization, temporary | E | E | E | E | E |
| 23 | Recreational or social uses within a subdivision for use of residents only | E | E | E | E | E |
| 24 | Research radar installation with or without ancillary structures | - | = | = | = | - |
| 25 | Residential care facilities (for medical/ mental patients), up to 5,000 sq. ft. | S | - | - | S | R |
| 26 | Sanitary landfill, public (local government operated) | - | - | - | - | - |
| 27 | Schools, primary or secondary, public or private | S | - | - | S | R |
| 28 | Schools, vocational or technical, public or private | S | - | - | S | R |
| 29 | Sewage treatment facilities | S | S | S | S | S |
| 30 | Social club, private, up to 5,000 sq, ft | S | - | - | S | R |

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| | | | | | | |
|----|--|-----|-----|-----|-----|-----|
| 31 | Solar energy facility, small system | R | R | R | R | R |
| 32 | Wireless Communication Facility (WCF) | | - | - | - | |
| | A. WCF ≤ 50 feet | R | R | R | R | R |
| | B. WCF > 50 feet and ≤ 100 feet on a parcel ≥ 5 acres | E | - | - | - | R |
| | C. WCF > 100 feet and ≤ 199 feet on a parcel ≥ 5 acres | E | - | - | - | M/S |
| | D. WCF > 50 feet and ≤ 100 feet on a parcel < 5 acres | E | - | - | - | R |
| | E. WCF > 100 feet and ≤ 199 feet on a parcel < 5 acres | E | - | - | - | M/S |
| 33 | Telephone exchange, unmanned | S | S | S | S | R |
| 34 | Waste collection center, public (local government operated) | E | - | S | S | - |
| 35 | Wind energy facility: wind energy test facility: wind turbine, large or utility-scale | E | - | - | - | - |
| 36 | Wind turbine, small, less than or equal to 35 feet in total height in accordance with standards in § 154.2.114 | R | R | R | R | R |
| 37 | Wind turbine, small, greater than 35 feet and 120 feet total height in accordance with standards in § 154.2.114 | M/S | M/S | M/S | M/S | M/S |
| 38 | Wind turbine, small, greater than 120 feet and 199 feet total height in accordance with standards in § 154.2.114 | S | S | S | S | S |
| 39 | Windmills less than or equal 35 feet total height, in accordance with standards in § 154.2.114 | R | R | R | R | R |
| 40 | Windmills greater than 35 feet and 120 feet total height, in accordance with standards in § 154.2.114 | M/S | M/S | M/S | M/S | M/S |

| | | | | | | |
|----|--|---|---|---|---|--|
| 41 | Windmills greater than 120 feet and 199 feet total height, in accordance with standards in § 154.2.114 | S | S | S | S | |
|----|--|---|---|---|---|--|

| Category 4 - Industrial Uses | | TE | T | R | NB | CG/EB/ C-1 |
|-------------------------------------|--|-----------|----------|----------|-----------|-----------------------|
| 1 | Any industrial use which exceeds 50,000 gallons of water from the aquifer in any one day or 300,000 in any consecutive 30-day period | = | - | - | - | - |
| 2 | Asphalt or bituminous mixing plant | = | - | - | - | - |
| 3 | Automobile/ farm equipment/ truck assembly | = | - | - | - | - |
| 4 | Bakeries, wholesale (up to 5,000 sq. ft.) | = | - | - | S | R |
| 5 | Barrel/box/bag manufacturing | = | - | - | - | - |
| 6 | Bio-diesel refinery (no petroleum products added on-site) | = | - | - | - | - |
| 7 | Boat building and repair with or without marine railway* | = | S | - | S | S |
| 8 | Boat/yacht interiors - new and retrofit (fabrication and installation) | = | S | - | S | S |
| 9 | Borrow pit | = | S | - | - | - |

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| | | | | | | |
|----|---|---|---|---|---|-----|
| 10 | Brick/tile/terra cotta manufacturing | E | - | - | - | |
| 11 | Building component manufacturing/ assembly of modular homes | E | - | - | - | S |
| 12 | Bulk mailing services | E | - | - | S | R |
| 13 | Cabinet-making facility, up to 10,000 sq. ft. | E | - | - | - | S |
| 14 | Cinderblock manufacturing | E | - | - | - | - |
| 15 | Clock and watch manufacture and distribution (up to 5,000 sq. ft.) | S | - | - | S | R |
| 16 | Clothing manufacturing (up to 5,000 sq. ft.) | S | - | - | S | R |
| 17 | Communications equipment manufacturing | E | - | - | - | S |
| 18 | Concrete/concrete products manufacturing | E | - | - | - | - |
| 19 | Contractor office/shop with material storage enclosed or outdoors with opaque screening up to 5,000 sq. ft. | S | S | - | S | R |
| 20 | Contractor office/shop with material storage outdoors, unscreened | E | - | - | - | M/S |
| 21 | Cotton gins | E | - | - | - | - |
| 22 | Drafting equipment manufacture and distribution | E | - | - | - | R |
| 23 | Drop forge industry | E | - | - | - | - |
| 24 | Drop-ship center, up to 50,000 sq. ft. | E | - | - | - | - |
| 25 | Electronic appliance assembly | E | - | - | - | - |
| 26 | Electronic components manufacturing (excluding transformers) | E | - | - | - | - |

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|----|--|-----|-----|-----|---------|-----|
| 27 | Ethanol production | E | - | - | - | |
| 28 | Farm equipment sales, service and repair | S | S | - | S | M/S |
| 29 | Fertilizer blending and distribution | E | - | - | - | - |
| 30 | Fertilizer/ pesticide bulk storage for wholesale | E | - | - | - | - |
| 31 | Foundry - artisan, up to 2,500 sq. ft. | E | M/S | - | M/ S | M/S |
| 32 | Foundry - artisan, 2,500 - 10,000 sq. ft. | E | - | - | - | S |
| 33 | Furniture manufacturing, up to 2,500 sq. ft. | S | M/S | - | M/ S | M/S |
| 34 | Furniture manufacturing, 2,500 - 10,000 sq. ft. | E | - | - | - | S |
| 35 | Glass works and ceramics - artisan, up to 2,500 sq. ft. | M/S | M/S | - | R | R |
| 36 | Glass works and ceramics - artisan, 2,500 - 10,000 sq. ft. | S | - | - | - | S |
| 37 | Heavy equipment sales and service | E | - | - | - | S |
| 38 | Industrial trade school | E | - | - | - | S |
| 39 | Jewelry assembly - artisan, up to 2,500 sq. ft. | M/S | M/S | M/S | M/ S | R |
| 40 | Jewelry assembly - artisan, 2,500 - 5,000 sq. ft. | S | - | - | M/ S | M/S |
| 41 | Labs and test facilities for manufacturing, enclosed | E | - | - | S | S |

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| | | | | | | |
|----|--|-----|---|-----|-----|---|
| 42 | Landscape contractor - design and maintenance on-site | S | R | M/S | M/S | |
| 43 | Landscape contractor - site work | E | - | - | - | - |
| 44 | Machine shops, tool and die operations | E | - | - | - | S |
| 45 | Medical/ surgical instrument manufacturing | E | - | - | - | S |
| 46 | Metal fabrication and welding operations | E | - | - | S | S |
| 47 | Microbrewery (up to 5,000 sq. ft.) | M/S | - | - | M/S | R |
| 48 | Microbrewery (5,000 - 10,000 sq. ft.) | E | - | - | - | S |
| 49 | Modular unit manufacture and assembly | E | - | - | - | - |
| 50 | Multi-unit storage facility, up to 50,000 sq. ft. | E | - | - | - | - |
| 51 | Musical instrument manufacture and distribution | E | - | - | - | S |
| 52 | Optical equipment manufacture | E | - | - | - | S |
| 53 | Pallet manufacture and repair facilities | E | - | - | - | - |
| 54 | Peanut dryer | E | - | - | - | - |
| 55 | Petroleum product bulk storage for wholesale* | E | - | - | - | - |
| 56 | Pharmaceutical manufacturing laboratories | E | - | - | - | - |
| 57 | Plaster products manufactured from previously prepared raw materials | E | - | - | - | - |

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| | | | | | | |
|----|--|---|---|---|---|---|
| 58 | Pottery and figurine manufacture | E | - | - | - | - |
| 59 | Prefabrication of wooden buildings/ garden sheds, etc. | E | - | - | - | S |
| 60 | Printing, lithography establishments | S | - | - | S | R |
| 61 | Processing of bulk agricultural products | E | - | - | - | - |
| 62 | Processing of seafood products | E | - | - | - | - |
| 63 | Railroad freight terminals | E | - | - | - | S |
| 64 | Reclamation of soil or water, temporary - existing on-site only | R | R | R | R | R |
| 65 | Recreational vehicle retrofitting and customizing | E | - | - | - | S |
| 66 | Recycling collection site up to 1 acre | S | S | - | S | S |
| 67 | Recycling receiving/ transfer facilities for plastic, glass, cans, paper, household waste | E | - | - | - | S |
| 68 | Recycling /processing of plastic, glass, aluminum or paper | E | - | - | - | - |
| 69 | Recycling yard | E | - | - | - | - |
| 70 | Sawmill/kiln/ planing facility | E | - | - | - | - |
| 71 | Soap manufacturing | E | - | - | - | - |
| 72 | Soybean crush mills for oil and meal production | E | - | - | - | - |
| 73 | Storage of bulk agricultural products | S | S | - | - | - |

| | | | | | | |
|----|---|---|---|---|---|---|
| 74 | Storage of seafood products | S | S | - | - | |
| 75 | Vehicle junkyard/ graveyard with parts recycling/ sales/ screened | E | - | - | - | - |
| 76 | Warehouse, up to 50,000 sq. ft. | E | - | - | - | - |
| 77 | Wood, cloth or fiber product manufacture | E | - | - | - | - |

| Category 5 - Marine-Related Uses | | | | | | |
|---|--|-----------|----------|----------|-----------|-----------|
| | | TE | T | R | NB | CG |
| 1 | Aquaculture business office, on-site | E | R | - | - | - |
| 2 | Aquaculture, fish production in existing ponds* | E | R | M/S | M/S | M/S- |
| 3 | Aquaculture, fish production tanks | E | S | - | - | M/S- |
| 4 | Aquaculture research facility | E | M/S | - | M/S | M/S- |
| 5 | Aquaculture, shellfish seed production | E | M/S | M/S | M/S | M/S- |
| 6 | Beaches, public naturally occurring | E | S | S | S | S- |
| 7 | Boat building and repair with or without marine railway* | E | S | - | S | S- |
| 8 | Boat ramp for recreational boats, private | E | R | R | R | R- |
| 9 | Boat ramp for recreational boats public /commercial* with accessory goods/services | E | S | S | S | S- |

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| | | | | | | |
|----|---|---|-----|-----|-----|----------------|
| 10 | Boat rental with accessory goods/services | E | - | - | S | R _E |
| 11 | Boat sales/service | S | - | - | S | R |
| 12 | Clam packing houses (with no processing) | E | R | - | R | R _E |
| 13 | Crab packing houses | E | S | - | S | R _E |
| 14 | Crab shedding, enclosed | E | R | M/S | R | R _E |
| 15 | Crab shedding, not enclosed | E | R | M/S | M/S | R _E |
| 16 | Docks, private recreational | E | R | R | R | R _E |
| 17 | Dredge spoil disposal site (from local waters) | E | S | - | - | R _E |
| 18 | Erosion and storm water control devices | R | R | R | R | R |
| 19 | Fish packing houses (with no processing) | E | M/S | - | M/S | R |
| 20 | Hunting blinds* | R | R | - | - | - |
| 21 | Landing site for finfish, shellfish, crabs - commercial | E | S | - | S | R |
| 22 | Landing site for finfish, shellfish, crabs - private | E | R | R | R | R |
| 23 | Marina, 50 slips or more, public or commercial* | E | - | - | - | - |
| 24 | Marina, less than 50 slips, public or commercial* | E | - | - | S | S |
| 25 | Marine navigation aids | E | R | R | R | R |
| 26 | Non-motorized watercraft - instruction rental, sales | E | M/S | M/S | R | R |

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| | | | | | | |
|----|--|-----|-----|---|-----|----------------|
| 27 | Oyster shucking houses (with no processing) | E | S | - | R | R _E |
| 28 | Pot production for crab or eel pots, commercial (up to 1 acre incl. storage) | M/S | M/S | - | R | R |
| 29 | Pot production for crab or eel pots, private | R | R | R | R | R |
| 30 | Research facilities for marine sciences | E | S | - | S | R _E |
| 31 | Retail sales of clam, crab, fish (less than 2,500 sq. ft.) with accessory goods/services | R | R | - | R | R |
| 32 | Wholesale outlet for clam, crab, fish, less than 2,500 sq. ft. | E | R | - | R | R _E |
| 33 | Wholesale outlet for unprocessed clam, crab, fish, 2,500 - 5,000 sq. ft. | E | - | - | M/S | R _E |
| 34 | Wildlife/marine life preservation area* | E | R | R | R | R _E |

| Category 6 - Recreational Uses | | TE | 1 | R | NB | CG |
|---------------------------------------|---|-----------|----------|----------|-----------|-----------|
| 1 | Archery range, outdoor, with accessory goods/services | R | M/S | - | - | - |
| 2 | Archery range, indoor (up to 5,000 sq. ft.) with accessory goods/services | R | M/S | - | M/S | R |
| 3 | Athletic fields | S | S | - | S | S |
| 4 | Athletic fields, with structures | S | S | - | - | - |
| 5 | ATV trails - commercial | E | - | - | - | - |
| 6 | Batting cage | E | - | - | - | S |

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| | | | | | | |
|----|---|---|-----|---|---------|---|
| 7 | Boat ramp for recreational boats, private* | E | R | R | R | R |
| 8 | Boat ramp for recreational boats, public/ commercial* | E | S | S | S | S |
| 9 | Boat storage and washing facilities | E | - | - | S | S |
| 10 | Bowling alley with accessory goods/services | E | - | - | S | R |
| 11 | Camper/RV storage with washing facilities, screened | E | - | - | S | S |
| 12 | Corn mazes with accessory goods/services | R | R | - | - | - |
| 13 | Country clubs, not including golf courses | E | S | - | S | R |
| 14 | Dance halls (up to 3,000 sq. ft.)* | E | M/S | - | M/ S | R |
| 15 | Dance halls (3,000 - 5,000 sq. ft.)* | E | - | - | S | R |
| 16 | Day camp | S | S | S | S | S |
| 17 | Docks, private recreational | E | R | R | R | R |
| 18 | Firing range, indoor | E | - | - | S | S |
| 19 | Firing range, outdoor - including skeet, trap, sporting clays, shotguns, etc. | E | - | - | - | - |
| 20 | Firing range, outdoor - rifles, including semi-automatic and handguns | E | - | - | - | - |
| 21 | Fishing pier, commercial or public, with accessory goods/services | E | S | S | S | - |
| 22 | Game center, coin-operated | E | - | - | M/ S | R |

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| | | | | | | |
|----|---|-----|-----|-----|---------|----------------|
| 23 | Go-kart tracks* | E | - | - | - | - |
| 24 | Golf course, public, private or commercial, with accessory goods/services | S | S | - | - | - |
| 25 | Golf driving range, daylight only, with accessory goods/services | M/S | M/S | - | - | M/S |
| 26 | Golf - miniature* with accessory goods/services | E | - | - | M/ S | R |
| 27 | Guide/outfitter services with accessory goods/services | R | M/S | M/S | R | R |
| 28 | Hayrides, commercial | R | R | - | - | - |
| 29 | Health club/fitness center/day spa* with accessory goods/services | E | - | - | R | R |
| 30 | Horse barn, private* (one per acre) | R | R | M/S | M/ S | M/S |
| 31 | Horse boarding/ training, commercial* with accessory goods/services | E | S | - | - | - |
| 32 | Hunt clubs/lodges, commercial, no hunting grounds on-site | S | S | - | S | S |
| 33 | Hunting blinds* | R | R | - | - | - |
| 34 | Marina, 50 slips or more, public or commercial* | E | - | - | - | - |
| 35 | Marina, less than 50 slips, public or commercial* | E | - | - | S | S ₋ |
| 36 | Non-motorized recreational trail | S | S | S | S | S |
| 37 | Non-motorized watercraft - instruction rental, sales* | E | M/S | M/S | R | R ₋ |
| 38 | Paintball course, outdoor | R | M/S | - | R | R |

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| | | | | | | |
|----|--|---|-----|---|-----|------------------|
| 39 | Parks - public | S | S | S | S | S |
| 40 | Playgrounds for children | R | M/S | R | R | S |
| 41 | Ponds within existing campgrounds | E | - | - | - | R (EB/C- 1 only) |
| 42 | Pool hall/billiard room* | E | - | - | M/S | R |
| 43 | Skating rink, ice/roller* | E | - | - | - | R |
| 44 | Swimming pools, public or commercial | E | - | - | S | R |
| 45 | Temporary recreational event (3 days or less); e.g., carnival, ballooning, bungee jumping, tractor pulls, etc. | R | R | R | R | R |
| 46 | Tennis courts, private | R | R | R | R | R |
| 47 | Tennis courts, public or commercial | S | - | - | S | R |
| 48 | Theater, indoor screen/stage up to 5,000 sq. ft.* | E | - | - | S | R |
| 49 | Wildlife or marine life preservation area* | E | R | R | R | R |

| | | | | | | |
|---|-------------------------------------|-----------|----------|----------|-----------|-----------|
| Category 7 SF - Single-Family Residential Uses | | | | | | |
| | | TE | 1 | R | NB | CG |
| 1 | Principal SF detached dwelling unit | | - | - | - | |

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| | | | | | | |
|---|---|-----|-----|-----|-----|---|
| | a. On-site construction | R | R | R | R | - |
| | b. Manufactured, single-wide H.U.D. inspected | M/S | M/S | - | - | - |
| | c. Manufactured, double or triple-wide H.U.D. inspected | R | R | R | - | - |
| | d. Manufactured, modular V.D.H.C.D. inspected | R | R | R | M/S | - |
| 2 | Principal SF attached dwelling units - with each unit under fee simple ownership | | - | - | - | |
| | a. Townhouse, row house or side by side | R | - | S | S | - |
| | b. Duplex | R | - | M/S | M/S | - |
| 3 | Principal SF detached rural farmstead dwelling unit | E | - | - | - | - |
| 4 | Accessory SF detached dwelling unit | | - | - | - | |
| | a. On-site construction | M/S | M/S | M/S | M/S | - |
| | b. Manufactured, single-wide H.U.D. inspected | M/S | M/S | M/S | M/S | - |
| | c. Manufactured, double or triple-wide H.U.D. inspected | M/S | M/S | M/S | M/S | - |
| | d. Manufactured, modular V.D.H.C.D. inspected | M/S | M/S | M/S | M/S | - |
| 5 | Accessory SF attached dwelling unit | M/S | M/S | M/S | M/S | - |
| 6 | Accessory uses and structures (excluding guesthouses) ** | R | R | R | R | R |
| 7 | Guesthouses (meeting primary setbacks and clearly subordinate to primary structure) | E | M/S | M/S | M/S | - |
| 8 | Temporary SF detached dwelling unit - manufactured , single-wide HUD inspected | R | R | R | R | R |

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| | | | | | | |
|----|--|-----|-----|-----|-----|-----|
| 9 | Temporary emergency dwelling | R | R | R | R | R |
| 10 | Combination live-work unit w/allowable business/commercial use | M/S | M/S | M/S | M/S | M/S |
| 11 | Residential Facility | S | R | R | R | - |

| Category 7 MF -Multi-Family Residential Uses | | | | | | |
|---|--|-----------|----------|----------|-----------|-----------|
| | | TE | 1 | R | NB | CG |
| 1 | Principal MF attached dwelling units - apartment | S | - | S | S | S |
| 2 | Principal MF attached dwelling units - with each unit not under fee simple ownership | | - | - | - | |
| | a. Townhouse, row house or side by side | R | - | S | S | - |
| | b. Duplex | R | M/S | M/S | M/S | - |
| 3 | Accessory uses and structures** | R | R | R | R | R |
| 4 | Temporary emergency dwelling | R | R | R | R | R |
| 5 | Housing for migrant farm workers in association with a seasonal farming operation | E | S | - | - | - |
| 6 | Worker housing - up to and including 12 occupants, employer furnished | E | - | - | - | - |
| 7 | Housing for students, faculty and staff in association with a learning institute | S | S | S | S | S |
| 8 | Mixed-use structure, residential/ commercial, up to 4 single-family dwelling units | S | - | - | S | S |

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| | | | | | | |
|----|---|-----|-----|-----|---|---|
| 9 | Group homes | | - | - | - | |
| | a. Respite care service facility | S | S | S | S | - |
| | b. Retirement home | S | S | S | S | - |
| | c. Supervised living residential service facility | | - | - | - | R |
| 10 | Shared senior home | M/S | M/S | M/S | - | - |

* Appears in more than one category.

** must be in rear yards

*** size regulated in district standards

We have left some as SUPs due to the intensity of the use, parking standards and or nuisances.

APPENDIX B: DENSITIES, LOT SIZES AND DIMENSIONS

Town Edge

| Zoning District | TE-1 | TE-R | TE-NB | TE-CG | TE-1 |
|--|--------|----------------------|------------------|-------|------------------------|
| Maximum density (# dwelling units per # acres) | 1:5 | 1:2 ^{2,3,8} | 1:2 ³ | None | 2:1 ^{2,3} |
| Minimum lot size | 1 acre | 1 acre | 1/2 acre | None | 20,000 sf ⁸ |
| Minimum lot width in feet at: | | | | | |
| Measured at the building/ front setback line | 125 | 100 | None | None | 75 |
| Measured at the shoreline | None | None | None | None | None |

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Minimum yard dimensions in feet:*Front Yard Setback*

| | | | | | |
|---|----------------|----------------|----------------|-----|------------|
| All structures measured from the property line on U.S. Rt. 13 | 100 | 100 | 100 | 100 | <u>100</u> |
| All structures measured from the right-of-way of all other roads and railroads ⁷ | 60 | 60 | 60 | 100 | <u>60</u> |

Rear Yard Setback

| | | | | | |
|----------------------|---------------|----|-----------------|-----------------|-----------------------|
| Principal Structures | 50 | 25 | 20 ⁶ | 35 ⁶ | <u>25⁶</u> |
| Accessory Structures | 10 | 5 | 5 ⁶ | 20 ⁶ | <u>10⁶</u> |

Side Yard Setback

| | | | | | |
|---|---------------|----|-----------------|-----------------|-----------------------|
| Allowable principal attached structures measured from shared property lines | 0 | 0 | 0 | 0 | <u>0⁵</u> |
| All other principal structures | 25 | 10 | 15 ⁶ | 25 ⁶ | <u>15⁶</u> |
| Accessory Structures | 10 | 5 | 5 ⁶ | 15 ⁶ | <u>10⁶</u> |

Maximum height in feet:⁶

| | | | | | |
|----------------------|----|---------------|----|----|-----------|
| Principal Structures | 35 | 35 | 35 | 35 | <u>35</u> |
| Accessory Structures | 25 | 16 | 20 | 25 | <u>20</u> |

1 Density may be increased to 1:10 under open space density bonus option; 85% open space required; max.

2 With SUP, density may be increased to 4:1 for multi-family if one-site sewage and water supply systems are approved by the Health Department.

3 ~~Through rezoning to TE/R-1, density may have been increased to 4:1 if using the cluster option outlined in section 154.1.122(C)(1)(B) is utilized or~~ Through rezoning to TE/R-1, density may be increased to 5:1 if central water and sewer ~~owned and operated by a municipality, county or public service authority~~ are provided; ~~setbacks may be modified.~~

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4 Minimum lot size may be reduced to 30,000 sq. ft. under open space density bonus option.

5 In the case of zero lot line development or a shared lot line, a 20-ft. setback shall be observed on the other.

6 If a lot is zoned NB, WV-NB, WV-WC, ~~TE-NB~~, TE-CG, EI, EB, C-1 or WW abuts a lot that is zoned NB, WV-NB, WV-WC, ~~TE-NB~~, TE-CG, EI, EB, C-1 or WW, the side and / or rear minimum setback shall be reduced to 0 feet pursuant to §154.2.141 General Modification to Yard Regulations.

7 P/x = Prevailing, if one exists, otherwise number indicated. See § 154.2.142, Front Setback/Yard Regulations. Front setback from railroad right-of-way in E1 District is 0 feet.

8 Deviations from the minimum lot for conventional lots in TE-R is set forth in subsection 154.2.122(C)(1)(a)(1-3) and cluster lot size minimums in TE-R as set forth in subsection 154.1.122(C)(1)(B).

Note: Supplemental setback regulations are stated in § 154.2.140 et seq., Supplemental District Regulations.

Note: All development requires Health Department approval.

Standing Monthly Staff Report



**September 2025
MONTHLY REPORT**

Katie H. Nunez, Planning/Zoning Administrator

This monthly report encompasses the months of June & July 2025.

A. SUBDIVISION AGENT: No items to report.

B. BOARD OF ZONING APPEALS - CODE OF VIRGINIA SECTION 15.2-2310

The Cape Charles Board of Zoning Appeals will hold a public hearing on Tuesday, October 14th, 2025, at 10:00 am, at the Cape Charles Civic Center, 500 Tazewell Avenue, to receive public comments on the following:

- A. Application from 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.

The variance application is authorized pursuant to Cape Charles Zoning Ordinance Sections 2.6.3 and 2.6.4. This property is located in the R-1 Zoning District

- B. Application from North Beach Associates, LLC, appealing a decision from the Zoning Administrator dated August 7th, 2025, which provided a Zoning Determination and August 27th, 2025, which provided a clarifying email concerning 201-209 Washington Avenue (Seabreeze Apartments) that stated:
 - i. The owner has one year to fix the violations on the property, reflective of approved extensions to that one-year deadline.. If the owner does not fix the violations within this period, the property will lose its legal non-conforming status, and;
 - ii. The owner must place tenants in the property before the July 31, 2026 deadline (2 years from when last occupied with a tenant) to retain its legal, non-conforming status for the number of multi-family dwellings currently allocated on the property, pursuant to the legal non-conforming review.

The appeal application is authorized pursuant to Cape Charles Zoning Ordinance Section 2.6.4. This property is located in the R-3 Zoning District.

C. HARBOR DEVELOPMENT CERTIFICATES: No applications were filed.

D. WETLANDS and COASTAL SAND DUNE BOARD:

The Cape Charles Wetlands and Coastal Dune Board will hold a public hearing on Wednesday, October 8th, 2025, at 5:30 p.m. in the Cape Charles Civic Center at 500 Tazewell Avenue, on the following:

A) Wetlands Application from Coastal Precast Systems, LLC., to construct a 120-foot wide by 462-foot long, concrete launching ramp.

The portion of the project that is within the Wetlands and Coastal Dune Board's jurisdiction, pursuant to Cape Charles Zoning Ordinance Appendix F, Section 74.31, is the proposed construction of a 120-foot-wide by 462-foot-long, concrete launching ramp that impacts 0.34 acres of jurisdictional waters. Coastal Precast Systems, LLC., is proposing to retain this structure permanently, following the completion of the Key Bridge Components. Additionally, CPS will install six (6) temporary 54" moorings with signage around the launch ramp that will warn vessels of the underwater structure.

E. TOWN COUNCIL