



MEMORANDUM

TO: Rick Keuroglan, Town Manager & Cape Charles Town Council

FROM: Katie H. Nunez, Planning Director & Zoning Administrator

DATE: April 3, 2026

RE: Possible Amendments to the Short Term Rental Zoning Ordinance Section 32-104

ATTACHMENTS:

- A) **Town Code Zoning Ordinance Section 32-104 – Short Term Rentals with 2 definitions of Bedroom and Short Term Rental**
 - B) **BZO Houseboat Staff Report 2025-12-09**
 - C) **Letter from Derek Roncaioli dated January 26, 2026**
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Even though the Town has not had a full year of implementation of the Short Term Rental Ordinance, there are a few items that I believe deserve discussion with you and Town Council for consideration of possibly amending this ordinance.

I convened a meeting of Code Official Jeb Brady, Town Treasurer Marion Sofield and Harbormaster Paula Davis at the end of January 2026 to discuss this ordinance and obtain input as we are fully applying and enforcing this ordinance if there are any issues/impediments that we should address and the following items were identified:

- 1) **Houseboats as Short Term Rentals:** on September 25, 2025, the Town received an STR application from Derek Roncaioli who owns a houseboat that is moored in the northeast corner of the Town Harbor. I was not able to provide zoning approval for this STR application and issued a letter of denial. Mr. Roncaioli appealed this decision to the Board of Zoning Appeals who held a hearing on December 9, 2025; the BZA upheld my decision, which denied Mr. Roncaioli's application for an STR at his houseboat.

Staff reviewed this issue further and remain concerned that STRs on houseboats raise several concerns:

- if located in the harbor, access to public water in the off-season when the harbor water system is shut off as a preventative measure from cold weather breakage;
- lack of a known and traditional management of a septic system or direct discharge into a municipal sewer system; the waste management system described by Mr. Roncaioli does meet the needs and requirement of his personal use of the houseboat as a residence but does not easily translate to passing on the in-depth oversight of this system on the boat to a "weekly" renter who may not have familiarity with dealing with pumpouts/cleanouts of a septic storage unit/tank.
- A boat does not fall within the description of dwelling contained in the Town Zoning Ordinance and clearly does not fall under the jurisdiction of the Code Official and the criteria and program implemented of an annual safety inspection

pursuant to the Building Code and does not fall within the categories that we have established regarding bedrooms and the definition of said in our ordinance which is used to set occupancy for each STR.

- The ordinance requires each STR to have a minimum of one Town-supplied trash receptacle which is not feasible for a houseboat. Additionally, this houseboat currently has access to and most probably fully uses the Town-provided dumpsters for the handling of all of their trash issues.

Mr. Roncaioli has requested an opportunity to discuss this with the Town and consider amending the zoning ordinance to allow for houseboats to be an STR. I have attached his letter dated January 26, 2025 where he outlines his request and suggestions to how to amend the ordinance to authorize this.

Staff is not supportive of this request and would actually suggest amending the ordinance to ensure that it is clear this is not allowable. We feel that adding to the definition of Short-Term Rental that a houseboat is not included in this definition, similar to hotels, motels and bed & breakfasts have been identified and called as not applicable to the definition of a Short Term Rental.

- 2) In Section 32-104 (c) (5), it stated the following:

*Occupancy: There shall be no more than two lodgers per bedroom, **plus two**; with the maximum number of overnight lodgers per dwelling being no greater than ten. Occupancy shall not exceed any limit set by the Virginia Uniform Statewide Building Code (VA USBC) or local building official. This shall be identified as the Base Occupancy for STRs (BOSTR). For the purpose of the BOSTR, an occupant shall not include any person two years of age or under.*

The particular wording of “plus two” has not been widely understood to mean only plus two per property; some property owners have taken to mean it could be plus two per bedroom.

Staff believes a simple fix to make clear the Town’s intent on this matter could be:

*Occupancy: There shall be no more than two lodgers per bedroom, **plus two in only one bedroom of the residence if it has met the Bedroom Definition, specifically regarding square footage for each occupant**; with the maximum number of overnight lodgers per dwelling being no greater than ten.*

- 3) As part of the read of Section 32-104 (c) (5), we included a definition of Bedroom in Appendix A – Definitions and it reads as follows:

Bedroom *is a room or space within a structure intended for sleeping. Requirements include:*

- (1) A minimum size of 70 square feet; if more than one person occupies the room, there must be 50 square feet per occupant.*
- (2) Access to a bathroom without crossing another bedroom.*
- (3) Every bedroom must have access to natural ventilation and have a permanent heat source.*
- (4) Two means of egress: one that leads to the rest of the home without going through another bedroom and one that leads directly to the outside. If the outside egress is a window, it must be at least five point seven square feet (5.7*

SF) and can be no more than 44 inches from the room floor, unless there is a permanent step installed. It shall be illegal to have locking bars or grates covering an egress window.

(5) Ceiling height must be no less than seven feet.

Staff believes that we should insert one additional word to the definition of Bedroom since some property owners have tried to apply a more liberal application of this term to other spaces in their house that meeting the criteria of a bedroom, in terms of square footage, access to a bathroom, ventilation, means of egress and ceiling height.

FIX: **Bedroom** is a room or space within a structure intended **primarily** for sleeping.

4) In Section 32-104 (c) (8), there is a refuse requirement which reads as follows:

Refuse requirements: one- and two-bedroom dwelling units used as short-term rental units will require one trash receptacle; three or more-bedroom units will require two receptacles; five or more bedrooms will require three receptacles. Owners and operators are required to maintain the receptacles so that they do not overflow.

Staff has received many comments regarding this particular provision of the ordinance with many of the property management companies and several individual property owners indicating that they currently engage additional trash pick-up contractual services (whether thru Davis Disposal or through a third-party service) to ensure the property(ies) are clean of all trash refuse from the week's tenants – said service is occurring on either Saturday or Sunday, depending upon the “turnover” day of tenants.

Staff have discussed this and we would like to offer the following:

“The property owner may apply for an exemption from the refuse requirements above one trash receptacle with written evidence of a contract or agreement for trash pick-up services occurring on Saturday or Sunday; said contract or agreement will provide the full name of the individual/business, operating business address with valid e-mail and phone contact information and length of service of said contract which must be for the period of the STR license. Failure to maintain said agreement will be a violation of the STR license.”

The staff will be available to discuss this at a work session with Town Council to see if a Zoning Text Amendment should be submitted and advanced to public hearing. If that is the direction that Town Council wishes to take, we would like to discuss when any of these amendments would become effective.