



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.**