



## Planning Commission Staff Report

**Agenda Title:** Staff Report on Accessory Dwellings  
**Agenda Date:** September 22<sup>nd</sup>, 2025  
**Prepared by:** Jack Steinmayer, Zoning Compliance Officer  
**Reviewed By:** Katie Nunez, Director of Planning/Zoning Administrator  
**Date:** September 12, 2025

**Type of Application:** Discussion on possible Zoning Text Amendment Request  
**Applicant:** Cape Charles Historic District Civic League  
**Site Address** NA  
**Tax Map:** NA  
**Zoning:**  
**Proposal:** Discussion on Zoning Text Amendment Request

**Legal Deadline Requirements** -

**Date Application Received:** -

**Date Application Deemed Complete:** -

**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. The Town Council's maximum time frame is 12 months from when referred to the Planning Commission:

**Background:**

In 2016, when the Town undertook revising the Comprehensive Plan, one of the goals of the revision was to promote compatible infill development and renovation within established neighborhoods. Specifically, it called for the promotion of Accessory Dwelling Units to add a diversity of housing types, while maintaining the neighborhood character and providing affordable housing. During this review, it was found that 2 Accessory Dwelling Units were constructed before an ordinance was implemented.

Due to these updates to the Comprehensive Plan and the clear desire for more housing options, in November 2018, the Town of Cape Charles adopted Zoning Ordinance Section 4.2 (J) – Accessory Dwelling Units. Which stated the following:

*Accessory Dwellings. One accessory dwelling may be maintained on a property in the R-E, R-1, R-2, and CR Zoning Districts, subject to the following:*

- 1. Physical Characteristics.*
  - a. Accessory Dwellings shall be located in an accessory building,*
  - b. Accessory Dwellings shall not have a floor area exceeding forty-five percent (45%) of the floor area of the main building,*
  - c. Accessory Dwellings shall have one kitchen and one bathroom.*
  - d. Accessory Dwellings shall not have the appearance of a single-family dwelling*
- 2. Occupancy Characteristics.*
  - a. Length of Stay – No accessory dwelling unit shall be occupied by any person or persons, whether paying a fee for such occupancy or not, for a period of less than thirty (30) consecutive calendar days. 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 shall provide occupancy documentation and/or information as requested in writing. Failure to do so may result in the revocation by the Cape Charles Town Council of the Conditional Use status for the Accessory Dwelling Unit, according to Article IV, Section 4.3.*
  - b. All Accessory Dwelling Units shall be billed as a water/sewer/trash account separate from the account for the main structure, and shall pay the minimum monthly account fee as set by the Town Council.*
  - c. An Accessory Dwelling may have a separate water meter from that of the main structure upon request by the property owner. If requested, the property owner shall pay all water and sewer utility connection fees as set by the Town Council. Metered Accessory Dwelling Units will receive a water/sewer bill based on the metered use, but not less than the minimum monthly account fee.*
  - d. All Accessory Dwelling Units shall have a separate trash can provided by the contract waste disposal company.*
  - e. All Accessory Dwelling Units shall be inspected annually, not later than fifteen (15) days from the anniversary date of the conditional use permit being approved by the Town Council.*

### 3. *Other Requirements*

- a. *Accessory Dwellings located in accessory buildings may have a separate water meter from the principal dwelling.*
- b. *The lot on which an accessory dwelling is located shall have the required minimum lot area for the district in which it is located.*
- c. *Parking shall be considered on a case-by-case basis as part of the Conditional Use Permit Application process.*
- d. *Exterior elevations shall also be approved by the Historic District Review Board when required by Article VIII, Historic District Overlay.*

As a result of adopting Ordinance Section 4.2 (J), 13 ADUs were built after acquiring a Conditional Use Permit. However, after 4 years, the Housing Subcommittee recognized that the required Conditional Use Permit (CUP) Application process was burdensome on Town Staff. Due to this finding, it was determined that ADUs should be allowed as a By-Right Use as long as the property owner complied with the square footage requirements, parking requirements, and other necessary elements of an ADU.

Since changing from a Conditional Use Permit to a By-Right Use, only 2 ADUs have been constructed, and are currently used as long-term rental and workforce housing, respectively. These 2 ADUs have been reflective of the updated 2022 Comprehensive Plan, specifically addressing the following aspects of the Comprehensive Plan:

#### ***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 homeowner 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.*

#### ***Housing – Rentals (pg. 45)***

*Two of the main reasons for introducing accessory dwelling units into Cape Charles were to increase the number of smaller units available for longer-term rental and to offer a lower rental cost based on these units being smaller in size.*

#### ***Land Use & Community Design – Land Use and Design Policies (pg. 115)***

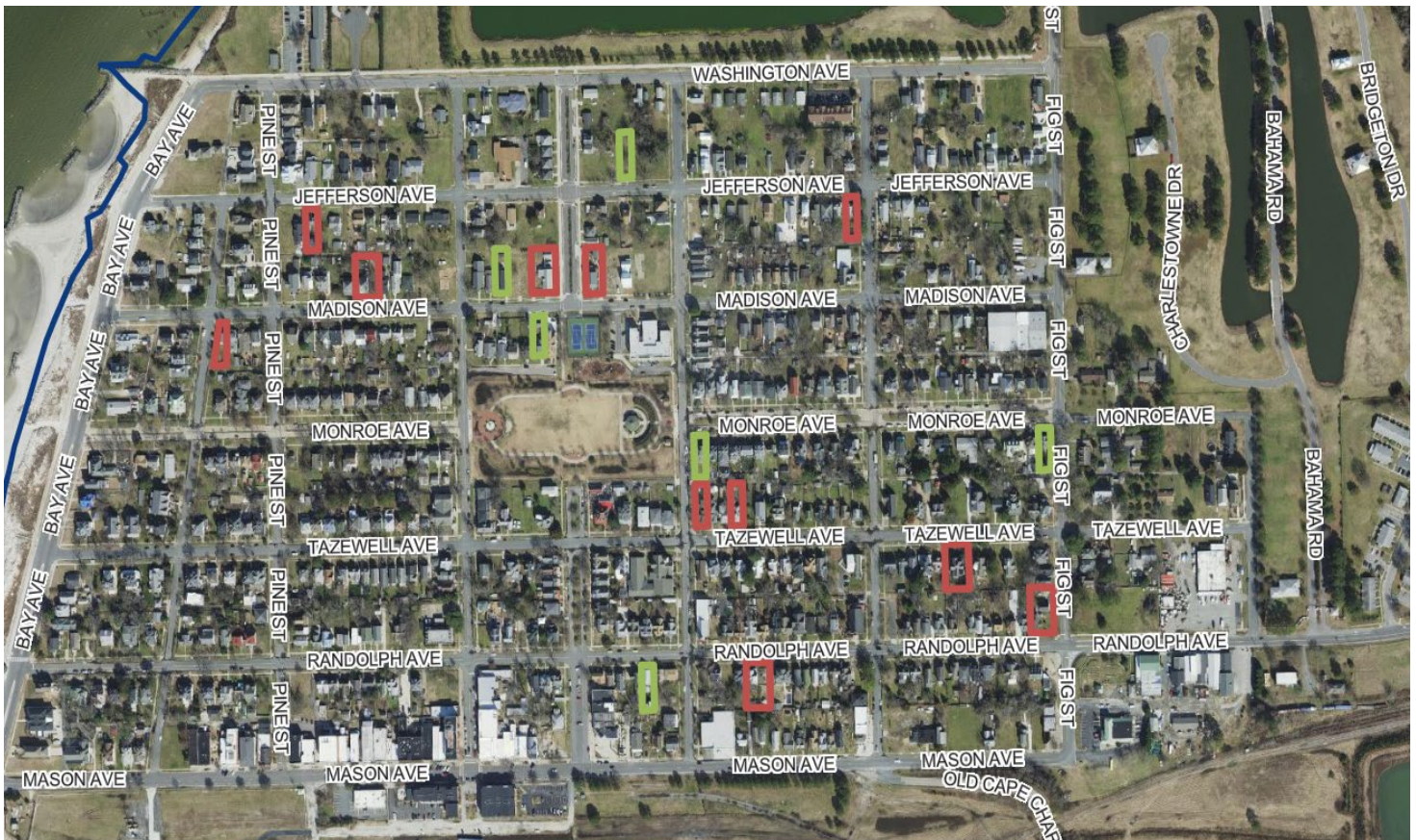
*Accessory dwelling units add diversity to housing types while maintaining the character and providing affordable options.*

**Narrative of Proposal:**

On July 17<sup>th</sup>, 2025, the Town Council heard a proposed Zoning Text Amendment (ZTA) Request from the Cape Charles Historic Civic League for the possibility of continuing discussion on whether limiting the use of ADUs by property owners to long-term rentals has had an impact on the diversity of housing options for long-term rental and workforce housing. Furthermore, if this review of the ADUs shows that the Town has not met the intended long-term housing diversification it was seeking, then consideration should be given to a discussion that the use of ADUs permitted by right for long-term rentals be evaluated to also include short-term rentals in ADUs by right as an option.

At this same meeting, Town Staff recommended that Town Council review and discuss the proposed Zoning Text Amendment, and if deemed appropriate, approve the Resolution of Intent #20250717, thereby referring this matter to the Planning Commission for their consideration and recommendation to the Town Council related to the use of possibly allowing ADUs to be used as short-term rentals (STRs).

**Aerial Map (if applicable):**



\***Green** indicates properties that have an ADU and **are using** the principal house as an STR

\***Red** indicates properties that have an ADU and **are not using** the principal house as an STR

**Staff Review:**

After review of all applicable data on hand, Town Staff does not believe that adequate administration has taken place to recommend the proposed Zoning Text Amendment one way or another. Before 2025, there has not been a database that has tracked the number of accessory dwellings within the Town. Therefore, Staff may have missed some of the accessory dwellings that are in the Town.

Furthermore, ADUs were originally approved in Cape Charles to increase the number of smaller units available for long-term rental at lower costs, based on their smaller size. By converting them into short-term rentals, the Town would be abandoning its original reason for approving ADUs. If this proposed Zoning Text Amendment is approved, staff believes the best course of action would be to phase out the construction of ADUs entirely. The ones currently built would be grandfathered in, and no additional ADUs would be permitted once this ZTA is adopted.

**Questions for Planning Commission Discussion:**

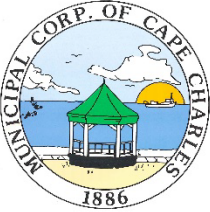
1. If the prohibition of using ADUs as STRs is rescinded, what guardrails, if any, are going to be implemented to prevent ADUs from being constructed everywhere?
2. How can the Town make it more beneficial for property owners to rent their ADUs for long-term or workforce housing?
3. If the intention is to try to attract long-term housing options, are there other incentives that the Town should be examining to make it more attractive to the property owner? i.e, tax breaks.
4. What would be the impact on parking on the streets?
5. Trash impacts, if both the main house and ADU are being rented as an STR?
6. What is the administrative process to oversee the Civic Leagues proposal, in relation to picking and choosing which dwelling is going to be used as an STR?

Any other questions that the board would want to add to the discussion that have not been laid out above are welcome.

**Attachments:**

1. Zoning Text Amendment Application from Cape Charles Civic League

Zoning Text Amendment  
Request from the Cape Charles  
Historic Civic League

 <p><b>TOWN OF CAPE CHARLES</b></p>	<b>AGENDA TITLE:</b> Resolution of Intent – Zoning Text Amendment Request from the Cape Charles Historic District Civic League		<b>AGENDA DATE:</b> July 17, 2025
	<b>SUBJECT/PROPOSAL/REQUEST:</b> Adoption of resolution of intent to refer the request from the Civic League to the Planning Commission for consideration		<b>ITEM NUMBER:</b> 7C
	<b>ATTACHMENTS:</b> Resolution of Intent #20250717, Request from the Cape Charles Historic District Civic League, Sections from Zoning Ordinance		<b>FOR COUNCIL:</b> Action (X) Information ( )
	<b>STAFF CONTACT (s):</b> Libby Hume	<b>REVIEWED BY:</b> Rick Keuroglian, Town Manager	

**ITEM SPECIFICS:**

The Cape Charles Historic District Civic League is an organization of residents whose goal is to work together with the municipality to improve the overall quality of life in the Historic District by facilitating greater engagement and participation in Town affairs. Town Manager Rick Keuroglian attended their July 9, 2025 meeting as a guest speaker. One topic that was raised by some of the attendees was the use of Accessory Dwelling Units (ADUs) as short-term rentals (STRs).

The Town’s current ordinance (§ 4.1.J.2.a) states that an ADU may not be rented as a STR and that it may be occupied by any person or persons for a period no less than 30 consecutive calendar days. The initial intent for ADUs was for long-term rentals to help with the issue of affordable housing.

**DISCUSSION:**

The letter from the Cape Charles Historic District Civic League is attached for Council’s review. In the letter, the Civic League is requesting “*consideration for continuing discussion that the use of ADUs permitted use by right for long-term rentals be evaluated to also include the use of ADUs permitted use by right for short-term rentals as a viable option.*” The Civic League has communicated that even though the intent for ADUs was for long-term rentals, the reality is that we do not know the numbers of ADUs being rented or unavailable for long-term rentals. Town staff have not made any assessment to determine how many actual ACUs are being rented. The Civic League would like residents to have more options with their ADUs and even suggested limiting this to full-time residents who live in their primary home in the historic district.

**RECOMMENDATION:**

Staff recommends Council review and discussion of the request from the Cape Charles Historic District Civic League and, if deemed appropriate, approval of Resolution of Intent #20250717 referring this matter to the Planning Commission for their consideration and recommendation to Town Council related to the use of Accessory Dwelling Units as short-term rentals.

**RESOLUTION OF INTENT 20250717**

**ZONING TEXT AMENDMENT REQUEST FROM  
CAPE CHARLES HISTORIC DISTRICT CIVIC LEAGUE**

**WHEREAS**, § 15.2-2286 (A) (7) of the Code of Virginia requires that amendments to a zoning ordinance shall be initiated by a resolution of the local governing body; a motion of the planning commission; or in the case of zoning district map amendments, by application of the landowner or the landowner’s authorized agent; and

**WHEREAS**, Section 15.2-2285 (B) of the Code of Virginia provides that no zoning ordinance shall be amended or re-enacted unless the governing body has referred the amendment or reenactment to the local planning commission for its recommendation; and

**WHEREAS**, the Cape Charles Historic District Civic League is an organization of residents whose goal is to work together with the municipality to improve the overall quality of life in the Historic District by facilitating greater engagement and participation in Town affairs; and

**WHEREAS**, at their meeting on July 9, 2025, they asked that Town Manager Rick Keuroglan bring a request to the Town Council to consider a zoning text amendment to permit full-time residents the ability to use their accessory dwelling units for short-term rentals; and

**WHEREAS**, this request would impact Cape Charles Zoning Ordinance, Article IV, Section 4.1.J.2.a; and

**WHEREAS**, the Cape Charles Town Council finds that the public necessity, convenience, general welfare, and good zoning practice requires that a zoning text amendment be considered.

**NOW, THEREFORE, BE IT RESOLVED** that for purposes of public necessity, convenience, general welfare or good zoning practice, the Cape Charles Town Council hereby adopts a resolution of intent to consider amending the Cape Charles Zoning Ordinance Section 4.1.J.2.a and refer the matter to the Cape Charles Planning Commission for consideration of the request from the Cape Charles Historic District Civic League, and to convene the requisite public hearings and public notifications, which may be done jointly between the Cape Charles Planning Commission and the Cape Charles Town Council and for the Cape Charles Planning Commission to prepare its recommendation of the zoning text amendments, if deemed appropriate, for the Cape Charles Town Council’s consideration.

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Adopted by the Town Council of the Town of Cape Charles on July 17, 2025

By: \_\_\_\_\_  
Mayor Charney

Attest:

\_\_\_\_\_  
Town Clerk



July 14, 2025

Rick Keuroglian, Cape Charles Town Manager  
2 Plum Street  
Cape Charles, VA 23310

Thank you for being our guest speaker at our recent Cape Charles Historic District Civic League General Meeting on July 9, 2025. One discussion topic that was raised by members of the audience was the use of Accessory Dwelling Units (ADUs) as short-term rentals (STRs). The Town has made great advances in our regulation of STRs with regards to occupancy rates, safety, management and oversight, fees and taxes, and business and licensing requirements. Countless hours and efforts to date made by Town Staff, Town Boards and Commissions, and you as Town Council, have created the framework for property owners to utilize the use of STRs as a source of income while ensuring the common interests of our community. On many fronts, the enacted policies appear to have clearly outlined and streamlined the STR regulations and requirements for property owners.

Within the past ten years, the use of ADUs has evolved from

- 1) an outright prohibition; to
- 2) being conditionally permitted for family/guest overflow (without compensation); to
- 3) being a conditional use for long-term rentals; to
- 4) being a permitted use by right for long-term rentals.

The Planning Commission recommended addressing the lack of affordable housing in the Historic District by encouraging long-term rentals of ADUs. However, one question that has emerged is if the permitted use by right of an ADU for long-term rentals has successfully supported the Town's goals for expanding housing diversity, particularly for long-term and workforce housing as anticipated. Do we as a community have an accounting of how well long-term renting of ADUs has met the goal of increasing the number of affordable housing units? There is a perception that the long-term rental of ADUs to increase the diversity of housing options has not increased the number of long-term and workforce residents and the policy as written unfairly limits the ability for property owners to rent their ADU for fewer days.

As this was a topic raised by the audience during our civic league meeting, I am requesting that Town Council along with Town Management consider conducting a follow up review on whether limiting the use of ADUs by property owners to long-term rentals has had an impact on the diversity of housing options for long-term and workforce residents. The implemented Town zoning and applicable codes (certified on December 19, 2024) have made great efforts to clearly outline ADUs, dwelling and STR definitions; lot coverage regulations, dwelling size requirements, land use, etc. to ensure clear requirements. If the review of the use of ADUs to support the intended long-term housing diversity has not met the intended goals, consideration for continuing discussions that the use of ADUs permitted use by right for long-term rentals be evaluated to also include the use of ADUs permitted use by right for short-term rentals as a viable option.

In this instance, preservation of the current Town Code which includes a prohibition against operating two short-term rentals on the same property, one from the main residence and a second from an ADU, would still remain in effect. Specifically, property owners would be permitted to utilize their ADU or the main residence as a STR, within the requirements that only one of the dwellings, the ADU or the main residence, would be permitted to be utilized as a STR but not both dwellings during that term of the calendar year business license.

The evolution of the use of ADUs over time has adapted to the changing needs in our community. An objective review of the target goals for the use of an ADU for permitted use by right for both long-term or short-term rentals allows the flexibility of Town Management to adapt to the changing needs of the community



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while continuing to ensure guest safety, to meet town requirements, to not change the character of the town, and meet current zoning requirements in the districts in which STRs operate.

Thank you in advance for all the hard work you and your entire staff accomplish for our Town. I am confident that Town will foster all appropriate public input and comment processes for any further discussion on this topic as it is considered. The Cape Charles Historic District Civic League is poised to support Town efforts in communication, coordination, and collaboration within our community and provide assistance in gathering and compiling any additional information you may need to support discussions.

Respectfully,  
Claudette L. Lajoie, PhD  
Cape Charles Historic District Civic League - President

Section 3.1: Residential District R-1

- A. Statement of intent. The intent of this basic zoning district is to provide quiet, medium density, single-family residential development plus provide open areas where similar residential development appears likely to occur. The regulations for this district are designed to stabilize and protect the essential characteristics of the district, to promote and encourage a suitable environment for family life where there are children, and to restrict all activities of a commercial nature as described in Section 3.5 (A) of this ordinance, known as Commercial Districts C-1, C-2, and C- 3 which are characterized by heavy traffic, noise, and congestion of people and passenger vehicles and by large office buildings and retail establishments, and to promote a convenient, attractive, and harmonious community. This section is created in recognition of the existence of developed areas where single-family and duplex dwellings currently exist on lots of five thousand six hundred square feet (5,600 SF) and where the characteristics of the neighborhood include both permanent as well as seasonal residents.
  
- B. Permitted Uses. The following uses are permitted by right:
  - 1. Single-family dwellings.
  - 2. Duplex dwellings provided off-street parking is provided.
  - 3. Condominium dwellings.
  - 4. Cooperative dwellings.
  - 5. Manufactured home dwellings.
  - 6. Churches and places of worship.
  - 7. Parks and playgrounds.
  - 8. Schools, community centers, and public facilities
  - 9. Group Homes per § 15.2-2291 of the Code of Virginia.
  
- C. Accessory Uses.
  - 1. Accessory buildings.
  - 2. Accessory Dwelling Units by right in compliance with the requirements of Section 4.1 (J).
  - 3. Home occupations in accordance with Section 4.0.
  - 4. Short Term Rentals, in accordance with Section 4.14
  - 5. Up to two (2) single electric vehicle charging stations.
  - 6. Uses which are customarily accessory and clearly incidental and subordinate to the principal use and structure.
  
- D. Conditional Uses: The following uses may also be permitted, subject to securing a use permit as provided for in this ordinance:
  - 1. Outdoor recreation facilities
  - 2. Residential dwelling units in square footage area below the minimum or above the maximum stated in Section 3.1 (E)
  - 3. Bed and Breakfast Establishments, in accordance with Section 4.1(M)

Section 4.1: Exceptions to the Regulations

- J. Accessory Dwellings. One accessory dwelling may be maintained on a property in the R-1, R-2, R-3 and CR zoning districts subject to the following:
1. Physical characteristics.
    - a. Accessory dwellings shall be located in an accessory building.
    - b. Accessory dwellings shall not have a floor area exceeding forty-five percent (45%) of the floor area of the main building.
    - c. Accessory dwellings shall have one kitchen, one bathroom, and a sleeping area.
    - d. Accessory buildings shall not have the appearance of a single-family dwelling.
  2. Occupancy characteristics.
    - a. Length of stay – An Accessory Dwelling Unit may not be rented as a short- term rental. An accessory dwelling unit may be occupied by any person or persons for a period no less than thirty (30) consecutive calendar days either paying a fee for such occupancy at his 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 Accessory sits shall provide occupancy documentation and/or information as requested in writing.
    - b. The property owner where the Accessory Dwelling Unit (ADU) is located may utilize the ADU as an overflow residential space for members of their family and guests.
  3. Other requirements.
    - a. Accessory dwellings located in accessory buildings may have a separate water meter from the principal dwelling.
    - b. Accessory dwellings will be required to have their own municipality issues trash receptacle, separate from the main residence/structure.
    - c. Accessory dwellings meeting the requirements of all of the physical characteristics of 4.1 (J) (1) and (2) above must obtain a Certificate of Completion for Accessory Dwellings from the Code Official, which is equivalent to a Certificate of Occupancy. In order to issue said Certificate, the Code Official will conduct an inspection to determine compliance with the Building Code.
    - d. The lot on which an accessory dwelling is located shall have the required minimum lot area for the district in which it is located.
    - e. Parking shall be in compliance with Section 4.5 using both on and off-street parking areas.
    - f. Exterior elevations shall also be approved by the Historic District Review Board when required by Article VIII, Historic Overlay.
    - g. Annual Certifications to be submitted to the Town by March 15 of each year to the Building and Planning Departments.
      - i. The property owner will submit an annual affidavit on Town Affidavit Form for Accessory Dwellings attesting to their acknowledgement and adherence to the Zoning Ordinance requirements for Accessory Dwelling Units.
      - ii. The property owner will submit an annual affidavit on Town Affidavit Form for Safety Compliance for Accessory Dwelling Units.
      - iii. If the property owner changes between March 16 and December 31 of the calendar year, the new property owner will be required to submit both a new Town Affidavit Form for Accessory Dwellings and a Town Affidavit Form for Safety Compliance for Accessory Dwelling Units no later than thirty (30) days from the property transfer.

## A. Purpose and intent

1. The purpose and intent of this section is to regulate Short-Term Rentals (STRs). STRs are common in America today, including in the town. However, given that they are commercial uses which must co-exist with residential uses, and often in neighborhoods not designed for commercial activity, limits and regulations are needed. This article is intended to provide the requirements to allow these certain limited commercial uses in town zoning districts containing residential uses per Article III.
2. The regulations for short-term rentals are designed to accommodate an STR Owner's and operator's limited commercial use in a way that is safe for the guest, meets town requirements, does not change the character of the town, and fits in with the districts in which STRs operate.
3. This Section is intended to work in tandem with the town's business license requirements as contained in the Town Code, as a measure for the town to monitor the number of STRs and enforce regulations.
4. Owners and operators are allowed a one-year (1 yr) grace period, from the date Zoning Ordinance No. 20241121 is adopted, to come into compliance, and pay the zoning permit fee. However, this grace period is not intended to limit or change existing rules, regulations, or fees, including but not limited to requirements to obtain a business license, pay taxes, and comply with the building code.

## B. Permitting Requirements

1. A short-term rental unit shall not be operated until an annual business license is issued in accordance with Town Code Chapter 18, Article II by the Finance Department.
2. A short-term rental unit shall not be operated until a Short-Term Rental (STR) zoning permit is issued by the Planning Department. The application for a zoning permit will require, as a minimum, the following:
  - a. Name of owner and operator of the short-term rental property
  - b. Address of the short-term rental property
  - c. Town business license number
  - d. For operators that are a lessee or sublessee, an attestation that the property owner has granted permission for use of such property as a short-term rental.
  - e. Contact information for all owner(s), operator(s), and property management companies (if applicable), to include: names, telephone numbers, mailing addresses, and e-mail addresses. If ownership is via partnership or corporation, a list of all partners, officers, and shareholders (as appropriate) must be provided with the same contact information.
  - f. Contact information for the twenty-four (24) hour/seven (7) days a week contact who is the responsible party to address immediate concerns associated with a short-term rental, and who has the authority to act as the owner's and operator's agent.
  - g. If the property is governed by a homeowners' or condominium association, proof that authorization to operate the short-term rental was provided by the homeowners' or condominium association.
  - h. Certification that Town prepared STR training information has been reviewed annually.
  - i. Certification that adjacent property owners have been notified that an application for a STR zoning permit has been submitted.
3. Short-term rental zoning permits will be valid for one year (1 yr) and may be renewed each subsequent year, if there were no permit violations, and upon approval of the associated annual business license and re-inspection.
4. Any change to information on the (STR) zoning permit application will require notification to the Planning Department within ten (10) business days.
5. Any change in ownership of the property or short-term rental owner or operator will require a new application for the business license, short-term rental zoning permit, and inspection within twenty (20) business days.

6. An owner (which includes, but is not limited to, corporations or partnerships, and entities or individuals that are stockholders, members or partners in corporations, companies, or partnerships) may only operate up to five (5) short-term rental units within the entire town.
7. An operator is not prohibited from offering a property as a short-term rental solely on the basis that such operator is a lessee or sublessee, provided that the property owner has granted permission for such property's use as a short-term rental. However, a lessee or sublessee is limited to one (1) short-term rental within the town. An operator will be required to meet any subleasing requirements, if any, from any applicable homeowner's or condominium association.

C. Additional Requirements

1. Every short-term rental is required to submit transient occupancy tax (TOT) in accordance with Town Code Chapter 18, Article V.
2. Short-term rentals are only permitted in those districts as specified in Article III.
3. Simultaneous short-term rentals under separate contracts in the same dwelling are prohibited.
4. Commercial gatherings providing direct or indirect compensation, including but not limited to luncheons, banquets, parties, weddings, charitable fund-raising, commercial or advertising activities, or other similar occurrences are prohibited.
5. Occupancy: There shall be no more than two (2) lodgers per bedroom, plus two; with the maximum number of overnight lodgers per dwelling being no greater than ten (10). 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 (2 yrs) of age or under.

Occupancy of greater than above may be approved, provided the property can accommodate sufficient off-street parking consisting of one (1) spot for every two (2) additional lodgers over the base occupancy for STRs (BOSTR), the property meets any other life safety requirements as may be reasonably required for such higher occupancy, and the property will not exceed the VA USBC or local building code official limitations.

The town retains the right to investigate violations and complaints of permit violations, and to periodically contact STR lodgers to determine occupancy. If town investigators determine that a violation has occurred, notice of such violation will be provided to the STR zoning permit holder or agent who will be responsible to cure the violation.

6. The business license and emergency information must be conspicuously posted inside each rental, including the twenty-four/seven (24/7) contact information for the STR responsible party.
7. Signage is to comply with Article V, Section 11.1.
8. Refuse requirements: one (1)- and two (2)-bedroom dwelling units used as short-term rental units will require one (1) trash receptacle; three (3) or more-bedroom units will require two (2) receptacles; five (5) or more bedrooms will require three (3) receptacles. Owners and operators are required to maintain the receptacles so that they do not overflow.
9. Lodgers and their guests will be required to observe noise requirements contained in Town Code Chapter 20, Article I, Section 20-3.
10. Safety Equipment: Operable smoke detectors, fire extinguishers, and carbon monoxide detectors shall be present in compliance with the Virginia Uniform Statewide Building Code.
11. Under no circumstances shall the issuance of a certificate of zoning compliance (permit for short-term rental) by the Administrator (Town) be construed as abrogating, nullifying or invalidating any other provision of Federal, State or local law: any deed covenant or property right; or any homeowners' or condominium association bylaw, or rule.

D. Inspections

1. An initial inspection will be required for all short-term rentals in accordance with Town Code Chapter 8, Section 8-4.

2. An annual re-inspection by the Code Official or designee is required when filing for a term rental business license renewal.
3. The Building Code Official or designee maintains the right to inspect a short-term rental, based on complaints or reasonable suspicion, to verify that the rental is being operated in accordance with the Virginia Uniform Statewide Building Code, the permit, and other applicable laws and regulations.

E. Violations

1. A Short-Term Rental (STR) zoning permit may be denied for any of the following violations:
  - a. Failure to obtain/maintain a town business license
  - b. Failure to pay all town real property taxes
  - c. Failure to pay all business taxes from the prior year
  - d. Failure to file and pay (if applicable) payment of transient occupancy taxes due the town for the previous three (3) months or more
  - e. Falsifying town forms or applications
  - f. Other applicable town zoning violations
  - g. Failure to provide responsive actions to issues raised to the twenty- four seven (24/7) contacts, as determined through town investigations.
  - h. Two (2) violations of safety/building code requirements within the same calendar year, that are not cured following reasonable notice.
  - i. Two (2) violations of occupancy limits within the same calendar year, that are not cured following reasonable notice.

Reasonable notice is satisfied when an authorized town official notifies the zoning permit holder or agent of a condition violating requirements of this section, and twenty-four hours (24 hrs.) pass without resolution of the violation.

Note: individual nuisance or noise violations will be issued directly to the offending party in addition to any consequence to the zoning permit holder.

Violations may be investigated by the Town Manager, Treasurer, Zoning Administrator, Building Code Official, Police Chief or their designees as appropriate. Once investigated, violations pursuant to this section will be issued by the Zoning Administrator.

2. An owner or operator, whose Short-Term Rental (STR) zoning permit has been denied pursuant to this Section, shall not be eligible to obtain another STR zoning permit for the subject short-term rental for the entire succeeding calendar year. Thereafter, the owner or operator will be required to apply for a new business license, STR zoning permit, and an inspection.
3. Before the denial of Short-Term Rental (STR) zoning permits is made effective, the town shall give written notice to the short-term rental owner or operator as noted on the STR zoning permit. The notice of permit denial under the provisions of the section shall contain:
  - a. A description of the violations constituting the basis of the denial, suspension or revocation;
  - b. If applicable, a statement of acts necessary to correct the violation(s); and
  - c. A statement that the owner may have a right to appeal the notice of a permit denial within thirty (30) days in accordance with the Code of Virginia Section 15.2-2311 (A) and that the decision of permit denial shall be final and unappealable if not appealed within thirty (30) days.