

RESOLUTION OF INTENT 20251016__

PROPOSED COMPREHENSIVE PLAN AMENDMENT & ZONING TEXT AMENDMENT 2025-02 APPLICATION FROM TOWN OF CAPE CHARLES TO AMEND ARTICLE III, SECTION 3.3(E)

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 proposed Zoning Text Amendment, if approved, would not be consistent with the Town's Comprehensive Plan; therefore a Comprehensive Plan Amendment has been recommended by the Planning Commission for Town Council to determine if they will initiate the public hearing process for this Comprehensive Plan Amendment which is proposed as follows:

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 day length stays in order to foster longer term residences (as opposed to summer tourist related weekly rentals).~~

Add new Item #3 to the Future Land Use - Mixed Use Designation in the Comprehensive Plan

Mixed Use – Preferred Uses (pg. 127)

3. Housing within this area shall lend itself to a variety of housing types (e.g., 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.

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, as a result of staff input to amend the following:

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.~~

Add new section in Section 4.14 (STRs) (B) (new item 4):

A property with a legal Accessory Dwelling Unit (ADU) in accordance with Section 4.1 (J) may apply for only the primary dwelling unit or accessory dwelling use to receive an annual Short Term Rental Zoning Permit; there will be no allowance for both dwelling structures to be utilized as an Short Term Rental in the same calendar year.. If the ADU is applying for an STR Zoning Permit, the requirements outlined in the STR ordinance must be met to establish # of applicable bedrooms and occupancy for the STR. The ADU is prohibited from the plus two occupancy allowance contained in Section 4.14 (C) (5)

WHEREAS, said proposed revisions to Sections 4.1 & 4.14 would provide for increased opportunity for Short Term Rentals to be permissible in Accessory Dwelling Units;

WHEREAS, the Cape Charles Town Council will need to also submit a Comprehensive Plan Amendment for public hearing in advance of the Zoning Text Amendment public hearing

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 Comprehensive Plan as stated above and the Cape Charles Zoning Ordinance to amend Section 4.1 (J)(2)(a) and Section 4.14 (B)(new item 4) regarding Accessory Dwelling Units and allowing Short Term Rentals to be an allowable use in said structure type.

Said Comprehensive Plan Amendment and Zoning Text Amendment 2025-02 is referred to the Cape Charles Planning Commission to convene the requisite public hearings and public notifications, which may be done jointly between the Cape Charles Planning Commission and Cape Charles Town Council and for the Cape Charles Planning Commission to prepare its recommendation on said Comprehensive Plan Amendment and Zoning Text Amendment 2025-02 for Cape Charles Town Council's consideration.

Adopted by the Town Council of the Town of Cape Charles on October 16, 2025

By: _____
Mayor Charney

Attest:

Town Clerk