

ORDINANCE 20260115B

AMENDING CAPE CHARLES ZONING ORDINANCE Chapter 32, Article IV, Section 32-91 (j) (2) (a) and Chapter 32, Article IV, Section 32-104

Allowing Accessory Dwelling Units to obtain permits for Short Term Rentals

WHEREAS, the Cape Charles Zoning Ordinance is a compilation of ordinances establishing zoning regulations for the Town of Cape Charles and providing for the administration and enforcement of the regulations; and

WHEREAS, the Zoning Ordinance classifies the territory under the Town's jurisdictions into districts and within each district a set of regulations for the use of land, buildings, structures, and their size, construction, etc; and

WHEREAS the proposed text amendment proposes to amend the Accessory Dwelling Unit Section of the Zoning Ordinance (Chapter 32, Article IV, Section 32-91 (j) (2) (a) to allow for Accessory Dwellings to be rented as a short-term rental or long-term rental and if the rental is to be a Short-Term Rental, then it must be done in compliance with the Short-Term Rental of the Zoning Ordinance (Chapter 32, Article IV, Section 32-104 and to amend to insert a new section in the Short Term Rental Ordinance (Chapter 32, Article IV, Section 32-104) that only one structure on a lot may obtain a Short Term Rental Zoning Permit per calendar year; and

WHEREAS, pursuant to Code of Virginia §§ 15.2-2285 and 15.2-2204, after proper notice, a public hearing was held by the Planning Commission on January 6, 2026 and the Planning Commission reviewed and deliberated the proposed zoning ordinance amendment, and approved by unanimous vote, making recommendation for Town Council of ZTA2026-01 with one amendment to remove the clause that would have prohibited ADUs from the plus two occupancy allowance contained in the Short Term Rental Ordinance ; and

WHEREAS, pursuant to Code of Virginia §§ 15.2-2285 and 15.2-2204, after proper notice, a public hearing was held by the Town Council on April 10, 2025 and based upon the Staff Report to Town Council and the Planning Commission favorable recommendation to approve as requested by the applicant with the one amendment;

NOW, THEREFORE, BE IT RESOLVED that, for purposes of public necessity, convenience, general welfare or good zoning practice, the Cape Charles Zoning Ordinance be revised in compliance with ZTA2026-01 application to amend Town Code Zoning Chapter 32, Article IV, Section 32-91 (j) (2) (a) as follows:

Length of Stay –An Accessory Dwelling may either be rented as a short-term rental or long-term rental; by either paying a fee for such occupancy at his/her own expense or at the expense of another. 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 (newly Codified Section Reference is Chapter 32, Article IV, Section 32-104) of the Cape Charles Zoning Ordinance.

And to add a new item in Town Code Zoning Chapter 32, Article IV, Section 32-104

A property with a legal Accessory Dwelling Unit (ADU) in accordance with Chapter 32, Article IV, Section 32-9 (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 a 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.

Said Ordinance amendment to become effective immediately.

Adopted by the Town Council of the Town of Cape Charles on January 15, 2026.

By: _____
Mayor Charney

Attest:

Town Clerk