



Planning Commission Staff Report

Agenda Title: **Comprehensive Plan Amendment and Zoning Text Amendment**

Agenda Date: January 6th, 2026

Prepared by: Jack Steinmayer, Zoning Compliance Officer

Reviewed By: Katie Nunez, Director of Planning/Zoning Administrator

Date: December 18th, 2025

Type of Application: Comprehensive Plan Amendment and Zoning Text Amendment

Applicant: Town of Cape Charles

Site Address NA

Tax Map: NA

Zoning: NA

Proposal: Amend page 41 of the Comprehensive Plan, *Accessory Dwelling Units*, by removing language that prohibits ADUs from being rented for less than 30 days, and amend Article IV Section 4.1 (J) (2) (a) and Section 4.14 of the Zoning Ordinance to incorporate new language to allow Accessory Dwelling Units (ADUs) to be rented as a Short-Term Rental

Legal Deadline Requirements

Date Application Received: December 18th, 2025

Date Application Deemed Complete: December 18th, 2025

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 October 7th, 2025, Planning Commission Regular Meeting, the Planning Commission reviewed the proposed changes to both the Comprehensive Plan and the Cape Charles Zoning Ordinance that staff had prepared in regard to a Zoning Text Amendment presented by the Cape Charles Historic Civic League which would allow the use of Accessory Dwelling Units (ADUs) as Short-Term Rentals (STRs). Below are the changes that the Planning Commission had agreed upon.

Comprehensive Plan Change:

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.~~

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.**

Proposed Language to add in Section 4.14 (STRs) of the Cape Charles Zoning Ordinance

When applying for a Short-Term Rental, property owners who have an Accessory Dwelling on their property understand that only the primary dwelling or accessory dwelling will be used as an STR for that calendar year.

Staff Analysis:

After further consideration and review of the proposed changes to both the Comprehensive Plan and the Zoning Ordinance, staff would recommend that additional time be given to explore other avenues to encourage long-term rental use of Accessory Dwelling Units.

However, at the September 22nd, 2025, Planning Commission Work Session, staff indicated their opposition to allowing ADUs to be used as STRs, as they were originally approved to increase the number of smaller units available for long-term rental at a lower cost, based on their size. By amending the Comprehensive Plan and Zoning Ordinance to allow all ADUs to be utilized as STRs, the town would be reducing its already small supply of long-term rentals for those who need them.

Planning Commission Motion for Consideration:

Town staff is prepared to assist in the preparation of any proposed motion by the Planning Commission.

Attachments:

1. Resolution of Intent #20251016
2. Comprehensive Plan – pg. 41
3. Town of Cape Charles Zoning Ordinance Section 4.1 (J) (2) (a)
4. Town of Cape Charles Zoning Ordinance Section 4.14
5. Town of Cape Charles Zoning Text Amendment Application

**Town of Cape Charles
Zoning Text Amendment
Application**



Zoning Text Amendment Application

Planning & Zoning Department
 412 Tazewell Avenue
 Cape Charles, VA 23310
 757-331-3259 x30

planner@capecharles.org

Budge Code: MISPL 100-3100-1070

Revised 11/2025	
Taxes	
Violations	
Fee	
Decision	

PART 1. APPLICATION NOTES

1. A pre-application conference with Planning staff is strongly recommended prior to submission of a zoning text amendment.
2. The Zoning Text Amendment application process typically takes about four (4) months.
3. A Zoning Text Application may be submitted by any Cape Charles property owner. It may only be advanced to either the Planning Commission or the Town Council for a public hearing following staff consultation with the Town Manager.
4. Either the Planning Commission or Town Council may submit an application for a zoning text amendment with the Town Manager, Zoning Administrator or Planning Director representing the application on behalf of the Town.
5. The application will need to receive an affirmative vote of the Cape Charles Town Council or Cape Charles Planning Commission to step in as the applicant and to set a calendar advancing the application to public hearing in compliance with the Code of Virginia Section 15.2-2285 and 15.2-2204
6. The applicant will be required to make a presentation to fully explain the request and demonstrate its need. The presentation should show how the proposed change supports and maintains compliance with the goals and objectives of the Comprehensive Plan.
7. The final decision will be made by Town Council, which approves zoning text amendments at their legislative discretion.

PART 2: APPLICANT INFORMATION

Applicant Name: **Town of Cape Charles**

Cape Charles Address: **412 Tazewell Avenue**

Mailing Address: **412 Tazewell Avenue, Cape Charles, VA 23310**

Email address: **planner@capecharles.org**

Phone: **757-331-2036**

If the applicant has property owned by an LLC, LP, or other form of corporation, list all landowners and their contact information.

PART 3: Description of Request

Answer all questions in this section. Attach additional sheets as needed.

Submission Date:

Zoning Ordinance Sections Proposed to be Amended (Sec. # and Title): **4.1 (J) (2) (a) & 4.14**

Existing Text: **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.**

Proposed Text: **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 of the Cape Charles Zoning Ordinance.

When applying for a Short-Term Rental, property owners who have an Accessory Dwelling on their property understand that only the primary dwelling or accessory dwelling will be used as an STR for that calendar year.

PART 4: Written Narrative – Provide on a separate sheet(s)

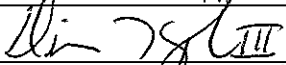
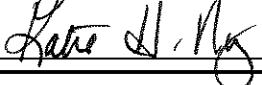
Provide a written narrative that, at a minimum, covers the following information:

- A) Relevant code section(s) to be amended and proposed changes to the Zoning Ordinance.
- B) Whether and the extent to which the proposed amendment is consistent with the comprehensive plan and any other applicable and adopted long range planning documents. Cite the document and page.
- C) Whether the proposed amendment conflicts with any provision of the Zoning Ordinance and any other regulations contained in the City Code or other applicable regulations.
- D) Whether and the extent to which the proposed amendment addresses a demonstrated community need.
- E) Whether and the extent to which the proposed amendment would result in a logical and orderly development pattern.
- F) Whether and the extent to which the proposed amendment would result in significantly adverse impacts on the natural environment, including but not limited to water, air, noise, storm water management, wildlife, vegetation, floodplains, wetlands, and the natural functioning of the environment.

Whether to amend the text of this Ordinance is a matter committed to the legislative discretion of the Town Council and is not controlled by any one factor. In determining whether to adopt or disapprove the proposed amendment, the Town Council may consider any factor it deems applicable and consistent with the Code of Virginia, including but not limited to the Town’s comprehensive plan, and the public health, safety, and general welfare.

PART 5: Applicant Certification

By signing this application below, I hereby attest to the truth and accuracy of all facts and information presented with this application and any attachments and supplemental information submitted with the application.

Applicant’s signature:  Date: 12/19/2025
 Zoning Administrator’s Signature:  Date: 12/19/2025

PART 6: To Be Completed by P & Z Department Staff

Date Application Received in Office:	Application #: ZTA
Planning Commission	Town Council
Date referred:	Date received from Planning Commission:
Action deadline (100 days from receipt):	Action deadline (max. 365 days from referral to PC):
Public hearing date:	Public hearing date:
Decision:	Decision:

Resolution of Intent

#20251016



**Municipal Corp. of
Cape Charles**

The undersigned Clerk of the Council of the Town of Cape Charles, Virginia (the “Town”), hereby certifies that:

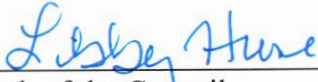
1. A meeting of the Council of the Town (the “Council”) was duly called and held on October 16, 2025 (the “Meeting”).
2. Attached hereto is a true, correct and complete copy of Resolution of Intent 20251016 (the “Resolution”) of the Town entitled as recorded in full in the minutes of the Meeting, duly adopted by a majority of the members of the Council present and voting during the Meeting.
3. A summary of the members of the Council participating at the Meeting and the recorded vote with respect to the foregoing Resolution as set forth below:

<u>Member Name</u>	<u>Present</u>	<u>Absent</u>	<u>Voting</u>		
			<u>Yes</u>	<u>No</u>	<u>Abstaining</u>
Adam Charney, Mayor		X			
Tara Ashworth	X		X		
Andy Buchholz	X		X		
Ken Butta		X			
Paul Grossman	X		X		
Tammy Holloway	X		X		
Clayton Newman	X		X		

4. The Resolution has not been repealed, revoked, rescinded or amended and is in full force and effect on the date hereof.

Witness my signature and the seal of the Town of Cape Charles, Virginia this 16th day of October 2025.

(Seal)



Clerk of the Council
Town of Cape Charles, Virginia

RESOLUTION OF INTENT 20251016

PROPOSED COMPREHENSIVE PLAN AMENDMENT & ZONING TEXT AMENDMENT 2025-02 APPLICATION FROM TOWN OF CAPE CHARLES TO AMEND ARTICLE IV, SECTIONS 4.1(J)(2)(a) AND 4.14(B)(NEW ITEM 4)

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).~~

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: 
Vice Mayor Buchholz

Attest:


Town Clerk

Comprehensive Plan

Pg. 41

Housing Inventory

Housing patterns in Cape Charles are typical of small towns that developed around railroad lines in the early twentieth century. Most of the Town’s older housing stock in the Historic District is located near the downtown commercial areas, which are centered along the previous railroad lines and harbor terminus. The inclusion of the Bay Creek golf and marina communities offer newer housing stock.

Nearly 78% of occupied homes in Cape Charles are single family units (66% single family detached, 11.4% attached). With the completion of new construction and rehabilitated buildings on Mason Avenue, more attached condominium units have been entering the housing stock.

2010 Census			2020 American Community Survey	
Total Units	787	-	1,077	-
1-unit, detached	612	77.8%	715	66.4%
1-unit, attached	35	4.4%	123	11.4%
2 units	24	3%	52	4.8%
3 or 4 units	32	4.1%	19	1.8%
5 to 9 units	29	3.7%	121	11.2%
10 to 19 units	25	3.2%	35	3.2%
20 or more units	16	2%	12	1.1%
Mobile home	14	1.8%	0	0%

Figure 10: Housing Inventory

Housing Projections

A rough housing projection was developed to determine the impact on housing for continued growth. Population projections typically are constructed around full-time residents and prepared for larger localities than Cape Charles. Given Cape Charles’ smaller population numbers and the mixture of permanent residents and seasonal/ recreational occupants, forecasting housing needs contains many assumptions. Assuming an annual population projection increase of 1.7% (using 2010 to 2020 population growth numbers), an additional 200 full-time residents could live in the Town of Cape Charles by 2030. Given the current average household size of 2, another 100 dwelling units would be required to house this full-time population increase. However, one must also account for additional seasonal housing or the conversion of current housing stock into seasonal units. Using a ratio of one ‘vacant’ house to every two full-time residential homes would result in a total of 160 additional units projected for 2030. (Per U.S. Census terminology, ‘vacant’ homes are primarily seasonal/ recreational in the case of Cape Charles.)

Although the Town of Cape Charles is enclosed on three sides by water, the Town would still have capacity to accommodate these additional homes within areas such as the remaining lots in the historic district, properties within the Bay Creek communities, future developable town owned property along Old Cape Charles Road (former Keck property, 18 acres), approximately 20 acres of developer’s property along Old Cape Charles Road, and the potential development of the railroad property (approximately 40 acres) between the historic district and the harbor.

Accessory Dwelling Units

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 neighborhoods. This strategy is intended to develop new, moderate cost rental housing while preserving large, older homes and allow 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 square footage of the original house. **In addition, these units cannot be rented for less than 30-day length of stays in order to foster longer term residencies (as opposed to summer tourist related weekly rentals).** The number of permits issued to build accessory dwelling units from February 2019 through April 2022 totals sixteen that demonstrates an interest in residents to provide additional in-fill housing units within the town.

Cape Charles amended the Zoning Ordinance in October 2022 to include more specific definitions and language in the regulations regarding Accessory Dwelling Units.

Tenure

61% of the housing stock in Cape Charles is either full time owner-occupied (32%) or long-term renter-occupied (29.1%). A housing unit is owner-occupied if the owner or co-owner lives in the unit, even if it is mortgaged or not fully paid for. According to the 2020 American Community Survey, there were approximately 658 full-time occupied housing units in Cape Charles. The higher full-time rental-occupancy number is due to the rental units of Sea Breeze, Myrtle Landing, and Cape Charles Lofts, approximately 138 units total. This is in addition to other downtown loft apartments, and single-family home full-time rentals. However, there are an additional 419 housing units that are classified as ‘vacant’ units per census statistics, those either offered for rent, rented or sold but not yet occupied, and those for seasonal, recreational or occasional use. Cape Charles has a high number of units within the seasonal, recreational or occasional use category because of the desirability of the town as a tourism destination and short-term get-away. As shown in the decennial census and ACS survey numbers, seasonal and short-term rentals have increased in numbers.

	1990		2000		2010		2020	
Owner Occupied - Full-time	299	43.4%	253	34.3%	247	25.8%	345	32%
Renter Occupied - Full-time	268	38.9%	281	38.1%	269	28.1%	313	29.1%
Vacant	122	17.7%	204	27.6%	442	46.1%	419	38.9%
a. For rent	31	4.5%	22	3%	50	5.2%	-	-
b. For sale	11	1.6%	9	1.2%	40	4.2%	-	-
c. Seasonal	7	1%	82	11.1%	290	30.3%	-	-
d. Other	73	10.6%	91	12.3%	62	6.5%	-	-
Total	689	-	738	-	958	-	1,077	-

Figure 11: Housing Occupancy by Tenure

Town of Cape Charles
Zoning Ordinance
Section 4.1 (J) (2) (a)

Chain link fencing is acceptable in rear yards not facing a public street. Open mesh fencing that existed as of the effective date of this section of the Zoning Ordinance may be maintained; any new fencing must meet the requirements of this ordinance.

All fencing must be constructed with finished side facing the exterior of the property or neighbor (facing out) unless otherwise agreed upon by the adjacent property owner.

3. Commercial and Industrial Fences. Fences in commercial and industrial zones are permitted if they comply with residential fencing requirements in Section 4.1 (G) (1) and (2). In commercial and industrial zones, the Conditional Use Permit process shall be used for any non-conforming fences. Applicants shall demonstrate that the proposed fencing is consistent with the nature of and/or the security requirements of the business.
- H. Wetlands and Water Areas Excluded From Lot Areas. In calculating the area of any lot for the purpose of compliance with the minimum lot area requirements of the district regulations, wetlands, and areas outboard of the shoreline shall be excluded.
- I. Utility Lines Underground. All new utility lines such as electric, telephone, CATV, or other similar lines shall be installed underground. This requirement shall apply to lines serving individual sites as well as to utility lines necessary within a project. All junction and access boxes shall be screened with appropriate landscaping. All utility pad fixtures and meters shall be shown on the site plan. The necessity for utility connections, meter boxes, etc., should be recognized and integrated with the architectural elements of the site plan.
- 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.

Town of Cape Charles
Zoning Ordinance
Section 4.14

buildings should occupy the full width of their lot at the street line except in the Route 184 corridor. Freestanding “object” buildings that do not conform to the street and lot lines will not be permitted in the Mason Avenue from Harbor to Peach historic context. Where a commercial building is built adjacent to a vacant lot, it should be built with a party wall in anticipation of subsequent new construction being built adjacent and up to the property line. Probably the single most damaging siting of a commercial building is toward the rear of the lot with parking between the building and the street.

7. Utilities. Upon installation or replacement of utility access lines, such lines shall be installed underground.

Section 4.14: Short-Term Rental (STR) Regulations

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 short-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.