

ZOA-2016-11

In the adopted amendments:

- Text that was added is shown with underline and text that was deleted is shown with ~~strikethrough~~.
- Where paragraphs were inserted, all subsequent paragraphs in the Zoning Ordinance have been renumbered and references were updated accordingly.
- Text shown with ~~underline and double-strikethrough and grey highlight~~ is advertised text that was NOT adopted; text shown with double-underline is text that was added that was NOT included in the advertisement
- Footnotes are informational only and are not intended to be adopted.

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**Article 5. Residential (R) Districts**

**§5.1. Residential (R) Districts Use Tables**

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**§5.1.3. Residential (R) districts accessory use table**

Accessory uses in residential (R) districts shall include the following uses, activities and structures:

**RESIDENTIAL (R) DISTRICTS ACCESSORY USE TABLE**

Use Types	R-20	R-10	R-10T	R-8	R-6	R-5	R15-30T	R2-7	Use Standards
<b>KEY: P = allowed by-right; U = requires use permit approval; S = requires site plan approval; Blank cell = not permitted</b>									
Accessory dwellings	P	P	P	P	P	P	P	P	§12.9.2
Commercial vehicle parking	P U	P U	P U	P U	P U	P U	P U	P U	§12.9.4
Crematoriums	U	U	U	U	U	U	U	U	§12.9.6
Family day care homes (six to nine children)	U	U	U	U	U	U	U	U	§12.9.9
Family day care homes (up to five children)	P	P	P	P	P	P	P	P	§12.9.9
Family/caregiver suites	P	P	P	P	P	P	P	P	§12.9.8
Guest house	P	P	P	P	P	P	P	P	§12.9.10
<u>Home occupations</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>§12.9.11</u>
Mortuaries and funeral homes	U	U	U	U	U	U	U	U	§12.9.13
Swimming pools, private	P	P	P	P	P	P	P	P	§12.9.16
Telecommunications antennae, building and ground mounted	U	U	U	U	U	U	U	U	
Recreational vehicle or trailer parking	P	P	P	P	P	P	P	P	§12.9.15
Vehicle maintenance and minor repairs, routine	P	P	P	P	P	P	P	P	§12.9.17

**RESIDENTIAL (R) DISTRICTS ACCESSORY USE TABLE**

Use Types	R-20	R-10	R-10T	R-8	R-6	R-5	R15-30T	R2-7	Use Standards
KEY: P = allowed by-right; U = requires use permit approval; S = requires site plan approval; Blank cell = not permitted									
Vehicle, unlicensed and/or uninspected.	P	P	P	P	P	P	P	P	§12.9.18

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**Article 6. Multiple-Family (RA) Districts**

**§6.1. Multiple-family (RA) Districts Use Tables**

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**§6.1.3. Multiple-family (RA) districts accessory use table**

Accessory uses in residential apartment (RA) districts shall include the following uses, activities and structures:

**MULTIPLE-FAMILY (RA) DISTRICTS ACCESSORY USE TABLE**

Use Types	RA14-26	RA8-18	RA7-16	RA6-15	Use Standards
KEY: P = allowed by-right; U = requires use permit approval; S = requires site plan approval; Blank cell = not permitted					
Commercial vehicle parking	P U	P U	P U	P U	§12.9.4
Convenience service areas	U	U	U	U	12.9.5
Crematoriums	U	U	U	U	12.9.6
Family day care homes (six to nine children)	U	U	U	U	12.9.9
Family day care homes (up to five children)	P	P		P	12.9.9
<b>Home occupations</b>	<b>P</b>	<b>P</b>	<b>P</b>	<b>P</b>	<b>12.9.11</b>
Mortuaries and funeral homes	U	U	U	U	12.9.13
Swimming pools, private	P	P	P	P	12.9.16
Recreational vehicle or trailer parking	P	P	P	P	12.9.15
Telecommunications antennae, building and ground mounted	U	U	U	U	
Vehicle maintenance and minor repairs, routine	P	P		P	12.9.17
Vehicle, unlicensed and/or uninspected	P	P		P	12.9.18

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# Article 7. Commercial/ Mixed Use (C) Districts

## §7.1. Commercial/Mixed Use (C) Districts Use Tables

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### §7.1.3. Commercial/mixed use (C) districts accessory use table

Accessory uses in commercial/mixed use (C) districts shall include the following uses, activities and structures:

COMMERCIAL/MIXED USE (C) DISTRICTS ACCESSORY USE TABLE.

Use Types	RA4.8	R-C	RA-H	RA-H-3,2	C-1-R	C-1	MU-VS *	C-1-O	C-O-1.0	C-O-1.5	C-O-2.5	C-O	C-O-A	C-O ROSSLYN	C-O CRYSTAL CITY	C-2 *	C-TH *	C-3 *	C-R *	Use Standards
KEY: P = allowed by-right; U = requires use permit approval; S = requires site plan approval; Blank cell = not permitted																				
Crematoriums	U S	U	U S	U S	U	U		U	U	U	U	U	U	U		U		U	U	§12.9.6
Convenience service areas		U	U S	U																§12.9.5
Drive-through windows					U											U		U	U	
Family day care homes (six to nine children)	U	U	U	U	U	U	U	U	U	U	U	U	U	U	U	U	U	U	U	§12.9.9
Family day care homes (up to five children)	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	§12.9.9
Garage, private parking garage for exclusive use of occupants			P																	
Home occupations	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	§12.9.11
Live entertainment and/or dancing						U	U		U	U	U	U	U	U	U	U	U	U	U	§12.9.12
Mortuaries and funeral homes	U	U	U	U	U	U		U	U	U	U	U	U	U		U		U	U	§12.9.12
Outdoor café associated with a restaurant on private property	P			P		P	P		P	P	P	P	P	P	P	P	P	P	P	§12.9.14
Outdoor café associated with a restaurant on public right-of-way or easement for public use	U			U		U	U		U	U	U	U	U	U	U	U	U	U	U	§12.9.14
Swimming pools, private	P	P	P	P	P	P	P	P	P	P	P	P	P	P		P		P	P	§12.9.16
Recreational vehicle or trailer parking	P	P	P	P	P	P	P	P	P	P	P	P	P	P		P		P	P	§12.9.15
Telecommunications antennae, building and ground mounted	U	U	U	U	U	U	U	U	U	U	U	U	U	U	U	U	U	U	U	
Vehicle maintenance, routine	P	P		P	P	P		P	P	P	P	P	P	P		P		P	P	§12.9.17
Vehicle, unlicensed and/or inspected	P	P		P	P	P		P	P	P	P	P	P	P		P		P	P	§12.9.18

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## Article 12. Use Standards

### §12.1. Applicability

Uses allowed in this zoning ordinance shall be subject to the following special, use-specific provisions, except as permitted by site plan approval or otherwise specified in the respective districts or in the provisions of this article.

### §12.2. Use Categories

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#### §12.2.3. Residential use categories

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##### A. Household living

###### 1. Characteristics

Household Living is characterized by residential occupancy of a dwelling unit by a family. Tenancy is arranged on a month-to-month or longer basis, except in limited accessory capacity where explicitly allowed by this Ordinance. Principal uses where tenancy may be arranged for a shorter period are not considered residential; they are considered a form of transient lodging (see Retail, Service and Commercial Overnight Accommodations and Social Service Institutions Use Categories).

###### 2. Examples

Examples of Household Living include one-family detached; one-family attached; duplexes; semidetached; townhouses; multiple-family buildings; retirement center multiple-family; assisted living facility with individual dwelling units.

###### 3. Accessory uses

Accessory uses include accessory dwellings; accessory homestay; car-sharing; direct broadcast satellite dishes; family/caregiver suites; family day care homes; greenhouses and nurseries not engaged in retail trade; garden, guest house; personal; hobbies; home occupations; parking of occupants' registered vehicles; raising of pets; recreational activities; storage sheds; and swimming pools.

###### 4. Uses not included

Bed and breakfast establishments (see Overnight Accommodations); boarding or rooming houses (see Group Living); extended-stay facilities (see Overnight Accommodations); group home (see Group Living); halfway house (see Social Service Institutions); hotels or motels; inns; nursing or convalescent home (see Group Living); assisted living facility not having individual dwelling units (see Group Living).

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#### §12.2.5. Retail, service and commercial use categories

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**D. Overnight accommodations**

**1. Characteristics**

Residential units arranged for short term stays of less than 30 days for rent or lease.

**2. Examples**

Examples of overnight accommodations include bed and breakfast establishments; condominium hotels; ~~dwelling rentals~~; recreational vehicle parks and campgrounds; extended-stay facilities; hotels and motels; resort hotels and inns; and time-shared interval ownership facility.

**3. Accessory uses**

Accessory uses include associated offices; car-sharing; food preparation and dining facilities; laundry facilities; limited storage; meeting facilities; parking; and swimming pools and other recreational facilities

**4. Uses not included**

~~Accessory homestay (see Household Living);~~ Transient lodging or shelters for the homeless (see Social Service Institutions).

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**§12.9. Accessory Use Standards**

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**§12.9.11. Home occupation**

Home occupations are permitted in dwelling units subject to R, RA and C district regulations when such use is clearly subordinate or incidental to the principal use of the premises for dwelling purposes and as follows:

A. Home occupations which are conducted as limited by subsection ~~§~~§12.9.12.C, below, and which have the general character of the following uses are permitted:

- 1.** Accessory homestay, subject to the provisions of this §12.9.11 and §12.9.12.
- 2.** Artist, photographer, sculptor.
- 3.** Author, composer, editor, translator, writer.
- 4.** Contractor or service business, provided that all requirements of this section are met as well as the following additional requirements:
  - (a)** Not more than one commercial vehicle, as defined in Article 18, shall be parked on the property and then only in accordance with applicable regulations of §12.9.4.
  - (b)** No contracting equipment or materials shall be stored on the premises, except in a commercial vehicle used for transporting said equipment and materials between jobs, and no loading or unloading shall be done on or in the vicinity of the premises.

- 101           **(c)** The dwelling is not an accessory dwelling.
- 102           **5.** Tailors, milliners, seamstresses, dressmakers and upholsterers.
- 103           **6.** Home crafts such as lapidary work, macramé, model making and weaving
- 104           **7.** Office of an ordained minister of religion.
- 105           **8.** Office of an accountant, architect, bookkeeper, broker, clerical service, computer
- 106           programmer, consultant, dentist, doctor, engineer, instructor in the arts and crafts, insurance
- 107           agent, land surveyor, landscape architect, lawyer, musician, real estate broker or telephone
- 108           service.
- 109           **9.** Office of a salesman, sales representative or manufacturers' representative.
- 110           **10.** Repair services, such as musical instruments, watches and clocks, small household
- 111           appliances, and toys or models.
- 112       **B.** Home occupations not permitted include those with the general characteristics of the following:
- 113           **1.** Amusement or dance parlors;
- 114           **2.** Animal care facilities, veterinary clinics, animal hospitals and grooming services
- 115           **3.** Antique shops;
- 116           **4.** Barber shops or beauty salons;
- 117           **5.** Boarding houses or rooming houses;.
- 118           **6.** Chapels;
- 119           **7.** Funeral homes;
- 120           **8.** Gift shops;
- 121           **9.** Hospitals
- 122           **10.** Kennels or other boarding of animals.
- 123           **11.** Medical or dental offices or clinics;
- 124           **12.** Nursing homes;
- 125           **13.** Motor vehicle repair or sales;
- 126           **14.** Nursery schools;
- 127           **15.** Repair or testing of internal combustion engines;
- 128           **16.** Restaurants or tearooms;
- 129       **C.** Home occupation uses shall be subject to the following limitations. All limitations apply together.
- 130           No limitation shall be interpreted as relaxing another limitation.
- 131           **1.** Home occupation operators shall apply for and enter into an agreement with the zoning
- 132           administrator certifying that they will comply with the requirements for a home occupation in
- 133           the zoning ordinance. The zoning administrator shall approve the agreement only upon
- 134           finding that the home occupation will comply with the zoning ordinance and that it will be
- 135           clearly subordinate to the principal use of the premises for dwelling purposes.

- 136 2. There shall be no evidence on the exterior of the premises or visible from the exterior of the  
137 premises that the property is used in any way other than for a dwelling.
- 138 3. There shall be no signs.
- 139 4. There shall be no outside display, storage, or sale of merchandise or equipment.
- 140 5. With the exception of accessory homestay, Only one person, at any time, who is not a bona  
141 fide resident of the dwelling, may be employed or perform work on the premises.  
142 Nonresident employees are prohibited for accessory homestay, provided, however, hired  
143 service for normal maintenance, repair and care of the residence or site, such as yard  
144 maintenance or house cleaning, is allowed. In addition, a disabled resident may employ  
145 assistance from one person at a time who is not a resident and whose assistance is limited to  
146 overcoming the effect of the disability. A written statement identifying the person who will  
147 give the assistance, the kind of assistance that will be given and the time the person will be in  
148 the dwelling must be filed in the office of the zoning administrator as to each person  
149 permitted to be employed as an assistant to a disabled person before that person may be  
150 employed in the dwelling. If the dwelling is an accessory dwelling, persons who are not bona  
151 fide residents of the dwelling may not be employed or perform work on the premises except  
152 one non-resident employee may be employed or perform work on the premises providing  
153 assistance to a disabled resident, as above.
- 154 6. Instruction of students (including delivery of materials clearly incidental to training) and  
155 service to clients or customers shall be limited to 12 persons per day but under no  
156 circumstances more than four persons at any one time.
- 157 7. With the exception of accessory homestay, ~~t~~The total floor area on any premises to be used  
158 for home occupation(s) shall not exceed a figure calculated by taking 25 percent of the total  
159 floor area of the principal dwelling on the premises, excluding attached garages provided,  
160 however, that under no circumstances shall more than 10 percent of the total floor area of  
161 the principal dwelling be used for specified storage of stock-in-trade.
- 162 8. The storage of hazardous materials is prohibited.<sup>1</sup>
- 163 9. There shall be no stocks-in-trade displayed or sold on the premises, except for those  
164 produced at the premises.
- 165 10. Each application for a home occupation agreement shall be accompanied by a sketch of all  
166 existing and proposed new parking spaces. Existing parking spaces, unless illegal, shall be  
167 permitted to remain. All new parking spaces shall comply with all applicable requirements in  
168 §14.2 and §14.3. No vehicles shall be parked or stored in any other spaces unless they  
169 comply with all provisions of the zoning ordinance.
- 170 11. With the exception of accessory homestay, The lot or property on which the home  
171 occupation is conducted shall not have any parking space added to it during the time the  
172 home occupation is being conducted; nor shall any parking space be used that was not  
173 customarily used prior to that time. Up to one off-street parking space may be created for  
174 homestay, subject to all provisions of this zoning ordinance. For all other home occupations,  
175 The application for approval shall show a sketch of the parking spaces customarily in use at  
176 the time of application and agree that parking shall not be increased during the period the

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<sup>1</sup> This paragraph 8 was split off as a separate paragraph from paragraph 7.

177 approval is in effect. ~~and dD~~ During the period the approval is in effect, no motor vehicle  
178 shall be parked at any place on the lot or property not represented as a parking space on the  
179 sketch attached to the application.

180 **12.** No equipment may be used on the premises other than that which is usual for purely  
181 domestic or hobby purposes, or what is usual for a small business, professional, or medical  
182 office.

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184 **§12.9.12. Homestay, accessory**

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185 Accessory homestay is allowed subject to the home occupation provisions in §12.9.11 and subject to the  
186 provisions below.

187 **A. Standards**

188 **1.** Accessory use. Accessory homestay shall be accessory only to household living use as  
189 defined in §12.2.3.A.1, and shall be allowed only where:

190 **(a)** The dwelling unit is ~~occupied~~ used by the owner of the dwelling unit as his/her primary  
191 residence, which means that he or she resides there for at least 185 ~~to 275~~ days during  
192 each year; and

193 **(b)** The bedroom(s) rented to overnight lodgers shall be within the main building of the  
194 dwelling unit that the owner occupies as his/her primary residence and shall not be in a  
195 detached accessory building.

196 ~~**(c)** The dwelling unit has at least one off-street parking space.~~

197 ~~**2.** Cap. The number of dwelling units in a multiple-family building is limited to one unit or 25~~  
198 ~~percent of the total number of units in the multiple-family building, whichever is greater.~~

199 **3.** Maximum number of overnight lodgers.

200 **(a)** The maximum number of overnight lodgers on any night of an accessory homestay shall  
201 be determined based on ~~up to~~ the greater of six lodgers, ~~(6)~~ or two lodgers ~~(2)~~ per  
202 number of bedrooms in the dwelling, provided, however, under no circumstances shall  
203 the number of lodgers exceed that allowed by the Building Code.

204 **(b)** An accessory homestay shall not include simultaneous rentals under separate contracts.

205 ~~**4.** Accessory homestay shall be allowed in dwelling units that have an accessory dwelling,~~  
206 ~~subject to the following: ~~provided, however, the maximum number of overnight lodgers~~~~



207 ~~permitted in §12.9.12.A.3(a) above, shall be reduced by the number of occupants of the~~  
208 ~~accessory dwelling.~~

209 (a) Either the main dwelling, the accessory dwelling, or both may be rented to lodgers by the  
210 owner, provided, however, simultaneous rental of both the main and accessory dwelling  
211 at the same time shall be allowed only when subject to a single contract; and

212 (b) Occupancy in the accessory dwelling is limited to a maximum of two lodgers;

213 5. An accessory homestay shall have working fire extinguishers, smoke detectors and, if  
214 applicable, carbon monoxide detectors and fire extinguishers, and all such equipment shall  
215 be accessible to all overnight lodgers of the homestay at all times.

216 6. Any sleeping room used for an accessory homestay shall have met the requirements for a  
217 sleeping room at the time it was created or converted.

218 ~~7. Food and beverages may be prepared or served to overnight lodgers of the accessory~~  
219 ~~homestay by the applicant or applicant's agent(s) or contractor(s).~~

220 8. Commercial meetings, including luncheons, banquets, parties, weddings, meetings, charitable  
221 fund raising, commercial or advertising activities, or other gatherings for direct or indirect  
222 compensation are prohibited pursuant to an accessory homestay permit.

223 9. An accessory homestay shall comply with requirements of the applicable version of the  
224 Virginia Uniform Statewide Building Code, as determined by the Building Official.

225 ~~10. A family/caregiver suite may be used for accessory homestay.~~

226 **B. Accessory homestay application**

227 The following shall be filed with the zoning administrator with the application for an accessory  
228 homestay permit:

229 1. Contact information for a responsible party. If the owner is not the responsible party who will  
230 be available during use of the accessory homestay, then the responsible party shall be  
231 identified and must sign the application.

232 2. Proof of the applicant's ownership of, and permanent residence of, the property that is the  
233 subject of the application. Acceptable proof of permanent residence includes: applicant's  
234 driver's license or voter registration card or U.S. passport showing the address of the property,  
235 or other document(s) which the zoning administrator determines provides equivalent proof  
236 of permanent residence by the applicant at the property that is the subject of the application.

237 **C. Accessory homestay permit.**

238 Use of an accessory homestay shall require an accessory homestay permit issued by the zoning  
239 administrator. The owner of the accessory homestay shall operate the accessory homestay  
240 under all conditions of the accessory homestay permit, and subject to the following:

- 241 1. An accessory homestay permit shall be valid for one ~~or two~~ years from date of issuance.
- 242 2. It is the responsibility of the owner to renew the permit upon expiration, by submitting an
- 243 updated application, as required in §12.9.12.B above.
- 244 3. The accessory homestay permit requires the owner, and responsible party if the responsible
- 245 party is not the owner, to agree to abide by all requirements of this zoning ordinance, and all
- 246 other applicable federal, state and local laws and regulations.
- 247 4. With his/her signature on an application for accessory homestay, the owner authorizes the
- 248 zoning administrator and his/her designee to enter the dwelling unit upon reasonable
- 249 advance notice ~~in response to a complaint(s)~~, ~~at least one time during each year for which~~
- 250 ~~the permit is valid~~, to verify that the accessory homestay is being operated in accordance
- 251 with the provisions of this §12.9.12 and the home occupation provisions in §12.9.11, and all
- 252 conditions of the accessory homestay permit.
- 253 5. An accessory homestay permit may be revoked by the zoning administrator as set forth
- 254 below; an applicant whose accessory homestay has been revoked pursuant to this paragraph
- 255 shall not be eligible to receive any new accessory homestay permit for one ~~or two~~ years:
- 256 (a) In the event that there are three or more ~~violations recorded~~ ~~substantiated complaints~~
- 257 ~~received~~ by the County within a one year period; or
- 258 (b) For failure to comply with the regulations set forth this §12.9.11, the home occupation
- 259 provisions in §12.9.10 and any permit conditions; or
- 260 (c) For refusal to ~~cooperate with the County in a complaint investigation, including allowing~~
- 261 ~~the Zoning Administrator or his/her designee to enter the dwelling unit upon reasonable~~
- 262 ~~advance notice in accordance with~~ ~~allow the zoning administrator and his/her designee~~
- 263 ~~to enter the dwelling unit as required by~~ §12.9.12.C.4 above.

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## 266 **Article 18. Definitions**

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### 269 **§18.2. General Terms Defined**

270 For the purposes of this zoning ordinance certain terms and words used herein shall be defined and

271 interpreted as follows.

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273 Accessory homestay. See Homestay, accessory.

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275 Apartment. A room or group of rooms used as a dwelling unit for one family, with facilities for preparing

276 food therein. See also "dwelling unit."

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278 Bed and breakfast. A one-family dwelling containing five or fewer guest rooms available for overnight  
279 accommodations which are rented at a daily rate and where meals are served only to guests.  
280 (See also §12.5.3)

281 Boarding house or rooming house. A building other than a hotel or motel or bed and breakfast, where for  
282 compensation on a daily, weekly or monthly basis, lodging or both lodging and meals are  
283 provided for three or more, but not exceeding nine guests. Accessory homestay meeting the  
284 requirements of 12.9.12 is not considered a boarding house or rooming house.

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286 Dwelling, accessory. A complete independent dwelling unit, with kitchen and bath, designed, arranged,  
287 used, or intended for occupancy by not more than two persons for living purposes and meeting  
288 the standards of §12.9.2.

289 Dwelling or dwelling unit. A building or portion thereof designed exclusively for residential occupancy by  
290 one family, which includes provisions for living, sleeping, eating, cooking and sanitation, including  
291 One-family detached; Semidetached; Duplex; Townhouse; Multiple-family building.

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293 Guest. Any non-family member who is invited to occupy a dwelling unit or accessory building by the  
294 occupying family, without compensation, for not more than 30 days within one year in any one  
295 calendar year. This definition shall not apply to hotel or motel or guest room as defined in this  
296 zoning ordinance.

297 Guest house. See §12.9.10.

298 Guest room. A room with its own entrance, or with direct access to a common corridor, constituting one  
299 hotel or motel unit, that is designed or intended for occupancy by one or more guests, whether  
300 or not provision is made for cooking, and not including rooms that are part of dormitories.

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302 Home occupation. An accessory use conducted pursuant to §12.9.11, in or from a residential dwelling or  
303 its accessory building by person(s) whose principal residence is on the premises. See also.

304 Homestay, accessory. A home occupation in which an owner(s) of a dwelling unit who ~~occupies~~ uses  
305 such dwelling unit as his/her primary residence, rents to a lodger, either such dwelling unit, or  
306 any portion thereof.

307 Hotel or motel. A building designed for transient occupancy containing ten or more guest rooms or  
308 suites, providing living, sleeping and toilet facilities. Individual cooking facilities, a general kitchen  
309 or a common dining room may be provided.

310 Hotel unit. Same as "guest room".

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312 Lodger. Any individual who contracts with an owner of a dwelling unit, for compensation, for not more  
313 than 30 days within one year. This definition shall not apply to hotel or motel or guest room as  
314 defined in this zoning ordinance.

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317 Multiple-family. A building or portion thereof, designed for occupancy by three or more families living  
318 independently of each other.

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Responsible party. The owner, or an individual or business entity designated by the owner, of a dwelling unit in which an accessory homestay is permitted, who is available 24 hours a day, 7 days a week to respond to and resolve issues and complaints that arise during all times in which the dwelling unit is being used for an accessory homestay. ~~The responsible party is located not more than 30 miles from the accessory homestay during all times in which the dwelling unit is being used for accessory homestay, so that a reasonably prompt, in-person response can be made at the accessory homestay when necessary.~~

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