



MEMORANDUM

Zoning Committee of the Planning Commission (ZOCO) Members
TO:

Deborah Albert
FROM: DATE: October 18, 2016

Short-term residential rental – authorized advertisement
SUBJECT:

This memorandum provides an updated table and attached zoning text for the short-term residential rental item scheduled for discussion at the October 19, 2016 ZOCO meeting. The updates to the table reflect changes incorporated by the County Board as part of its authorization of the advertisement proposed by staff in the staff report dated October 12, 2016.

The changes incorporated in the authorized advertisement are summarized as follows:

1. The maximum number of lodgers per night was changed from a maximum of 6, to the greater of either 6 lodgers, or 2 lodgers per bedroom in the dwelling;
2. The use of detached accessory buildings for accessory homestay was inadvertently shown as optional text in the staff report; the County Board advertised use of detached buildings as prohibited. This does not reflect a change from what was described in the staff report (only a change from what was shown in the attached zoning text)
3. The advertisement was changed to allow consideration of food and beverage service associated with an accessory homestay. The proposal attached to the staff report prohibited food or beverage service from being considered.
4. The definition of lodger was changed to from "Any non-family member..." to "An individual..."
5. The advertisement was changed to allow consideration of use of a family/caregiver suite for accessory homestay. The proposal attached to the staff report would have prohibited use of a family/caregiver suite from being considered.

Items shown in grey are those where the advertisement allows for continued discussion through the outreach process.

	Element	Proposed Recommendation for Advertisement	Community Discussion
1	Zoning Districts	<ul style="list-style-type: none"> ▪ Single-family residential (R); ▪ Multiple-family residential (RA); and ▪ Commercial/mixed use (C) 	The advertisement allows for consideration of further limiting the zoning districts where the use is allowed.
2	Accessory use	Accessory homestay would be allowed only when it is accessory to a residential dwelling unit use classified in the Zoning Ordinance as Household Living.	The advertisement does not allow for continued discussion of this element.
3	Home occupation use	Accessory homestay would be regulated as a home occupation, and subject to all the same provisions as other home occupations (with the exception of the amendments described in the previous section of this report), plus additional provisions that would be unique to accessory homestay.	The advertisement does not allow for continued discussion of this element.
4	Signs	No signs would be allowed for accessory homestay use. This is consistent with the existing prohibition on signs for all home occupations.	The advertisement does not allow for continued discussion of this element.
5	Non-resident employees	Nonresident employees would be prohibited from performing work on the premises for an accessory homestay. The proposed advertisement would, however, allow nonresident employees to perform work related to normal home maintenance, such as repair and care of the residence or property, including yard maintenance and house cleaning.	The advertisement does not allow for continued discussion of this element.
6	Area of dwelling unit used for accessory homestay	No limit is proposed (accessory homestay could include overnight rental of an entire house or apartment).	The advertisement allows for consideration of limits to the total area/percentage of the house or apartment that could be used for accessory homestay.

	Element	Proposed Recommendation for Advertisement	Community Discussion
7	Parking	<p>The proposed amendment includes an option to consider requiring one off-street parking space for accessory homestay.</p> <p>Additionally, the proposed amendment includes an option to consider allowing up to one additional off-street parking space to be created on the property (subject to all applicable regulations) for an accessory homestay. Other home occupations prohibit the creation of an additional parking space that did not exist at the time of application</p>	<p>The advertisement allows for consideration of:</p> <ul style="list-style-type: none"> ▪ Requiring one parking space; ▪ Not requiring any parking spaces; and/or ▪ Prohibiting the creation of new off-street spaces on a property with an accessory homestay.
8	Owner-occupancy and primary residence	<p>Accessory homestay would be allowed only in dwelling units occupied by the owner of the unit as his/her primary residence, which would require that he/she live there for a minimum of 185-275 days of the year (a range is proposed to be advertised).</p>	<p>The advertisement allows for consideration of defining primary residency as the owner of the dwelling unit occupying the unit anywhere between 185 and 270 days per year.</p> <p>However, the advertisement does not allow for continued discussion of whether owner-occupancy is required.</p>
9	Cap	<p>The proposed amendment would include an option for consideration to limit the number of dwelling units within any multiple-family building to the larger of either one unit, or 25% of the total number of dwelling units in the building.</p> <p>Townhouses, duplexes, semidetached and two-family dwellings are not considered to be multiple-family buildings and thus would not be subject to the proposed cap.</p>	<p>The advertisement allows for consideration of either no cap, a smaller cap (fewer units) or a larger cap (more units).</p>
10	Maximum number of guests	<p>An accessory homestay would be limited to a maximum of the greater of either:</p> <ul style="list-style-type: none"> ▪ Six overnight guests per night; or ▪ Two overnight guests per night per number of bedrooms in the dwelling 	<p>The advertisement allows for consideration of limiting the provision to fewer guests</p>

	Element	Proposed Recommendation for Advertisement	Community Discussion
11	Number of simultaneous contracts	An accessory homestay would be limited to no more than one contract for any overnight stay (e.g. a contract may be for a party of six, but an accessory homestay host could not contract with six separate individuals under separate agreements on the same night).	The advertisement does not allow for continued discussion of this element.
12	Accessory dwellings	The proposed amendment would include an option to allow a dwelling unit with an approved accessory dwelling to be used for an accessory homestay, but the maximum number of guests for the accessory homestay would be reduced by the number of occupants of the accessory dwelling. Either the accessory dwelling or the main dwelling could be used for the accessory homestay.	The advertisement allows <ul style="list-style-type: none"> ▪ Accessory homestay to either be allowed or prohibited in a dwelling with an accessory dwelling; and ▪ The additional limitation on the number of overnight guests to be included or omitted.
13	Family/caregiver suites	The proposed amendment would allow a family/caregiver suite to be used for accessory homestay	The advertisement allows for consideration of allowing or prohibiting use of a family/caregiver suite for accessory homestay.
14	Detached accessory buildings	An accessory homestay would be allowed only within the main dwelling on the lot (which could include an approved attached accessory dwelling). Accessory buildings, garages or other structures on the lot could not be used for accessory homestay.	The advertisement does not allow for continued discussion of this element.
15	Safety equipment	The dwelling unit used for the accessory homestay would be required to have working smoke and carbon monoxide detectors and a working fire extinguisher accessible to all overnight guests of the accessory homestay.	The advertisement does not allow for continued discussion of this element.
16	Building code	All applicable requirements of the Virginia Uniform Statewide Building Code must be met as follows: <ul style="list-style-type: none"> ▪ For the dwelling ▪ Any sleeping room used for accessory homestay must have met the requirements for a sleeping room at the time it was created or converted ▪ The accessory homestay must be allowed under the building code for the subject dwelling 	The advertisement does not allow for continued discussion of this element.

	Element	Proposed Recommendation for Advertisement	Community Discussion
17	Food and beverages	The owner (or his/her agent or contractor) could prepare or serve food or beverages to any overnight guests of the accessory homestay.	The advertisement allows for consideration of prohibiting or allowing the preparation and serving of food and beverages to overnight guests.
18	Commercial meetings	An accessory homestay could not be rented out for any other commercial use, such as parties, banquets, weddings, meetings, charitable fund raising, commercial or advertising activities or any other gatherings for direct or indirect compensation	The advertisement does not allow for continued discussion of this element.
19	Accessory homestay application	<p>The zoning application for an accessory homestay permit would require:</p> <ul style="list-style-type: none"> ▪ Contact information for either the owner of the dwelling, or a responsible party, who is available 24 hours per day, 7 days a week, and who is located within 30 miles of the accessory homestay ▪ Proof that the dwelling unit used for accessory homestay is occupied by the owner of the dwelling as his/her primary residence (as defined in this regulation See item 2 in this table) <p>Additional application requirements, not proposed to be included in the Zoning Ordinance, are discussed later in this report.</p>	The advertisement does not allow for continued discussion of this element.

	Element	Proposed Recommendation for Advertisement	Community Discussion
20	Accessory homestay permit	<p>An accessory homestay permit would be required and would be issued by the Zoning Administrator upon approval of an accessory homestay application. The permit would:</p> <ul style="list-style-type: none"> ▪ Be valid for up to two years ▪ Be required to be renewed by the owner of the dwelling upon expiration on his/her own recognizance ▪ Require the owner and the responsible party (if not the owner) to agree to abide by all the requirements for the accessory homestay ▪ Be conditioned to authorize the Zoning Administrator and his/her designee to enter the dwelling unit upon reasonable advance notice at least one time per year in order to verify that the accessory homestay is being operated in compliance with all regulations and all conditions of the permit <p>Additional permit requirements, not proposed to be included in the Zoning Ordinance, are discussed later in this report.</p>	The advertisement allows for consideration of the validity of the permit for a period of a maximum of two years.
21	Revocation of an accessory homestay permit	<p>An accessory homestay permit could be revoked by the Zoning Administrator as follows:</p> <ul style="list-style-type: none"> ▪ If there are three or more substantiated complaints about the accessory homestay within a one year period; ▪ For failure to comply with all requirements of the accessory homestay and conditions of the accessory homestay permit; ▪ For refusal to allow county inspectors to access the dwelling unit after reasonable advance notice, in order to ensure compliance with all requirements of the accessory homestay and conditions of the accessory homestay permit; <p>If an accessory homestay permit is revoked, the applicant would not be eligible to receive a new accessory homestay permit for up to two years.</p>	The advertisement allows for consideration of the revocation period before a new accessory homestay can be approved, for a maximum of two years.

In the proposed amendments:

- Text proposed to be added is shown with underline and text proposed to be deleted is shown with ~~strikethrough~~.
- Where paragraphs are inserted, all subsequent paragraphs in the Zoning Ordinance will be renumbered and references will updated accordingly.
- [Grey highlighted text in brackets] denotes options or ranges to be advertised.
- Footnotes are informational only and are not proposed 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
KEY: P = allowed by-right; U = requires use permit approval; S = requires site plan approval; Blank cell = not permitted									
Accessory dwellings	P	P	P	P	P	P	P	P	§12.9.2
Commercial vehicle parking	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
Home occupations	P	§12.9.11							
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
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
Home occupations	P	P	P	P	12.9.11
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

§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-1-0	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	§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

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

* * *

§12.2.3. Residential use categories

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).

B. Group living

1. Characteristics

Group Living is characterized by residential occupancy of a structure by a group of people, other than a family, typically providing communal kitchen/dining facilities and no kitchens in individual living units. The size of the group may be larger than a family.

65 Tenancy is typically arranged on a monthly or longer basis.

66 **2. Examples**

67 Examples of group living include but are not limited to assisted living facilities not
68 having individual dwelling units, intermediate care, boarding houses, dormitories,
69 fraternity and sorority houses, convents, group homes, monasteries, rooming houses,
70 and nursing homes.

71 **3. Accessory uses**

72 Accessory uses include associated offices; garden, personal; hobbies; food preparation
73 and dining facilities; laundry facilities and services; parking of vehicles for occupants
74 and staff; and recreational facilities.

75 **4. Uses not included**

76 Adult day care (see Day Care); alternative or post-incarceration facilities; exclusive care
77 and treatment for psychiatric, alcohol, or drug problems, where patients are residents
78 (see Social Service Institutions); bed and breakfast establishments (See Overnight
79 Accommodations); child care center (see Day Care); retirement center multiple-family,
80 where individual units comply with the definition of a dwelling unit (see Household
81 Living); extended-stay facilities, hotels or motels, inns (see Overnight
82 Accommodations); family day care home (see Accessory Uses); residential occupancy
83 of a dwelling unit by a family on a month-to-month or longer basis (see Household
84 Living); time-shared interval ownership facility (see Overnight Accommodations);
85 treatment centers, transient lodging or shelters (see Social Service Institutions).

86 **§12.2.4. Public, civic and institutional use categories**

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88 * * *

89 **J. Social service institutions**

90 **1. Characteristics**

91 Uses that primarily provide treatment of those with psychiatric, alcohol, or drug
92 problems, and transient housing or shelters related to social service programs.

93 **2. Examples**

94 Examples of social service institutions include alternative- or post-incarceration
95 facilities; counseling, occupational therapy services; exclusive care and treatment for
96 psychiatric, alcohol, or drug problems, where patients are residents; halfway houses;
97 neighborhood resource centers; rehabilitative clinics; rescue missions; social service
98 facilities, including soup kitchens, transient lodging or shelter for the homeless; and
99 treatment centers.

100 **3. Accessory uses**

101 Accessory uses include adult educational facility; ancillary indoor storage; associated
102 office; day care; food services and dining area; meeting room; parking; and staff
103 residences located on-site.

104 **4. Uses not included**

105 Assisted living facility (see Group Living); cemetery, columbarium, mausoleum,

106 memorial park (see Parks and Open Areas); schools (see Schools); philanthropic
107 institution (see Community Service); Retirement living facility with individual self-
108 contained dwelling units (see Household Living).

109 * * *

111 §12.2.5. Retail, service and commercial use categories

112 * * *

113 D. Overnight accommodations

114 1. Characteristics

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

116 2. Examples

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

121 3. Accessory uses

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

125 4. Uses not included

126 ~~Accessory homestay (see Household Living)~~; ~~T~~ransient lodging or shelters for the
127 homeless (see Social Service Institutions).

128 * * *

131 §12.5. Commercial/Mixed Use Standards

132 * * *

133 §12.5.3. Bed and breakfasts

134 Bed and Breakfasts may be permitted with the following limitations:

- 135 A. Any bed and breakfast must have a use permit, as specified in §15.4.
- 136 B. Bed and breakfasts shall comply with all applicable requirements of county and state codes.
- 137 C. A bed and breakfast shall be operated by a resident owner.
- 138 D. The operator of a bed and breakfast shall obtain a certificate of occupancy for that purpose
139 before the operation of the bed and breakfast commences.
- 140 E. Guests may stay in a bed and breakfast for no more than 14 consecutive days per stay.
- 141

- 142 F. Each bed and breakfast shall maintain an accurate record of each guest and the duration of his
143 stay. The record may be reviewed by the county upon notice.
- 144 G. Bed and breakfasts shall neither contain a restaurant or banquet facility nor provide meal service
145 other than breakfast.
- 146 H. No cooking facilities shall be provided for use by guests of a bed and breakfast.
- 147 I. Only one nonresident employee at any time shall be permitted to work on the premises of a bed
148 and breakfast.
- 149 J. Bed and breakfasts shall be located only on minor arterial streets or principal arterial streets as
150 designated in the Arlington County Master Transportation Plan.
- 151 K. Bed and breakfasts must be located on lots that meet or exceed the minimum lot area
152 requirement for the district in which the lot is located.
- 153 L. Parking shall be provided as required in §14.3.7.A.
- 154 M. The exterior of the one-family in which the bed and breakfast is operated shall maintain its one-
155 family dwelling character.
- 156 N. To assist the county in determining whether a bed and breakfast will maintain its residential
157 character and will meet the standards for use permit approval set forth in §15.4.3, any use permit
158 application for a bed and breakfast must be accompanied by a plan showing the type and location
159 of proposed parking, landscaping and exterior lighting.

160 * * *

161 **§12.9. Accessory Use Standards**

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163 **§12.9.11. Home occupation**

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

- 167 A. Home occupations which are conducted as limited by subsection ~~§12.9.12.C~~, below, and which
168 have the general character of the following uses are permitted:
 - 169 **1.** Accessory homestay, subject to the provisions of this §12.9.11 and §12.9.12.
 - 170 **2.** Artist, photographer, sculptor.
 - 171 **3.** Author, composer, editor, translator, writer.
 - 172 **4.** Contractor or service business, provided that all requirements of this section are met as well
173 as the following additional requirements:
 - 174 **(a)** Not more than one commercial vehicle, as defined in Article 18, shall be parked on the
175 property and then only in accordance with applicable regulations of §12.9.4.

- 178 **(b)** No contracting equipment or materials shall be stored on the premises, except in a
179 commercial vehicle used for transporting said equipment and materials between jobs,
180 and no loading or unloading shall be done on or in the vicinity of the premises.
- 181 **(c)** The dwelling is not an accessory dwelling.
- 182 **5.** Tailors, milliners, seamstresses, dressmakers and upholsterers.
- 183 **6.** Home crafts such as lapidary work, macramé, model making and weaving
- 184 **7.** Office of an ordained minister of religion.
- 185 **8.** Office of an accountant, architect, bookkeeper, broker, clerical service, computer
186 programmer, consultant, dentist, doctor, engineer, instructor in the arts and crafts, insurance
187 agent, land surveyor, landscape architect, lawyer, musician, real estate broker or telephone
188 service.
- 189 **9.** Office of a salesman, sales representative or manufacturers' representative.
- 190 **10.** Repair services, such as musical instruments, watches and clocks, small household
191 appliances, and toys or models.
- 192 **B.** Home occupations not permitted include those with the general characteristics of the following:
- 193 **1.** Amusement or dance parlors;
- 194 **2.** Animal care facilities, veterinary clinics, animal hospitals and grooming services
- 195 **3.** Antique shops;
- 196 **4.** Barber shops or beauty salons;
- 197 **5.** Boarding houses or rooming houses;.
- 198 **6.** Chapels;
- 199 **7.** Funeral homes;
- 200 **8.** Gift shops;
- 201 **9.** Hospitals
- 202 **10.** Kennels or other boarding of animals.
- 203 **11.** Medical or dental offices or clinics;
- 204 **12.** Nursing homes;
- 205 **13.** Motor vehicle repair or sales;
- 206 **14.** Nursery schools;
- 207 **15.** Repair or testing of internal combustion engines;
- 208 **16.** Restaurants or tearooms;
- 209 **C.** Home occupation uses shall be subject to the following limitations. All limitations apply together.
210 No limitation shall be interpreted as relaxing another limitation.
- 211 **1.** Home occupation operators shall apply for and enter into an agreement with the zoning
212 administrator certifying that they will comply with the requirements for a home occupation in

- 213 the zoning ordinance. The zoning administrator shall approve the agreement only upon
214 finding that the home occupation will comply with the zoning ordinance and that it will be
215 clearly subordinate to the principal use of the premises for dwelling purposes.
- 216 2. There shall be no evidence on the exterior of the premises or visible from the exterior of the
217 premises that the property is used in any way other than for a dwelling.
- 218 3. There shall be no signs.
- 219 4. There shall be no outside display, storage, or sale of merchandise or equipment.
- 220 5. With the exception of accessory homestay, oOnly one person, at any time, who is not a bona
221 fide resident of the dwelling, may be employed or perform work on the premises.
222 Nonresident employees are prohibited for accessory homestay, provided, however, hired
223 service for normal maintenance, repair and care of the residence or site, such as yard
224 maintenance or house cleaning, is allowed. In addition, a disabled resident may employ
225 assistance from one person at a time who is not a resident and whose assistance is limited to
226 overcoming the effect of the disability. A written statement identifying the person who will
227 give the assistance, the kind of assistance that will be given and the time the person will be in
228 the dwelling must be filed in the office of the zoning administrator as to each person
229 permitted to be employed as an assistant to a disabled person before that person may be
230 employed in the dwelling. If the dwelling is an accessory dwelling, persons who are not bona
231 fide residents of the dwelling may not be employed or perform work on the premises except
232 one non-resident employee may be employed or perform work on the premises providing
233 assistance to a disabled resident, as above.
- 234 6. Instruction of students (including delivery of materials clearly incidental to training) and
235 service to clients or customers shall be limited to 12 persons per day but under no
236 circumstances more than four persons at any one time.
- 237 7. With the exception of accessory homestay, tThe total floor area on any premises to be used
238 for home occupation(s) shall not exceed a figure calculated by taking 25 percent of the total
239 floor area of the principal dwelling on the premises, excluding attached garages provided,
240 however, that under no circumstances shall more than 10 percent of the total floor area of
241 the principal dwelling be used for specified storage of stock-in-trade.
- 242 8. The storage of hazardous materials is prohibited.¹
- 243 9. There shall be no stocks-in-trade displayed or sold on the premises, except for those
244 produced at the premises.
- 245 10. Each application for a home occupation agreement shall be accompanied by a sketch of all
246 existing and proposed new parking spaces. Existing parking spaces, unless illegal, shall be
247 permitted to remain. All new parking spaces shall comply with all applicable requirements in
248 §14.2 and §14.3. No vehicles shall be parked or stored in any other spaces unless they
249 comply with all provisions of the zoning ordinance.
- 250 11. [With the exception of accessory homestay], tThe lot or property on which the home
251 occupation is conducted shall not have any parking space added to it during the time the
252 home occupation is being conducted; nor shall any parking space be used that was not

¹ This paragraph 8 was split off as a separate paragraph from paragraph 7.

253 customarily used prior to that time. [Up to one off-street parking space may be created for
254 homestay, subject to all provisions of this zoning ordinance.] For all other home occupations,
255 the application for approval shall show a sketch of the parking spaces customarily in use at
256 the time of application and agree that parking shall not be increased during the period the
257 approval is in effect, and during the period the approval is in effect, no motor vehicle shall
258 be parked at any place on the lot or property not represented as a parking space on the
259 sketch attached to the application.

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

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265 **§12.9.12. Homestay, accessory**

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

268 **A. Standards**

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

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

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

277 **(c)** [The dwelling unit has at least one off-street parking space.]

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

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

281 **(a)** The maximum number of overnight lodgers on any night of an accessory homestay shall
282 be up to the greater of six (6) or two (2) per bedroom.

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

284 **4.** [Accessory homestay shall be allowed in dwelling units that have an accessory
285 dwelling,][provided, however, the maximum number of overnight lodgers permitted in
286 §12.9.12.A.3(a) above, shall be reduced by the number of occupants of the accessory
287 dwelling.]

288 **5.** An accessory homestay shall have working smoke and carbon monoxide detectors and fire
289 extinguishers, and all such equipment shall be accessible to all overnight lodgers of the
290 homestay at all times.

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

293 **7.** Food and beverages may be prepared for or served to overnight lodgers of the accessory
294 homestay by the applicant or applicant's agent(s) or contractor(s).

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

298 **9.** An accessory homestay shall comply with requirements of the applicable version of the
299 Virginia Uniform Statewide Building code, as determined by the Building Official.

300 **10.** A family/caregiver suite may be used for an accessory homestay.

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B. Accessory homestay application

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

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

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

C. Accessory homestay permit.

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

1. An accessory homestay permit shall be valid for [one or two] years from date of issuance.
2. It is the responsibility of the owner to renew the permit upon expiration, by submitting an updated application, as required in §12.9.12.B above.
3. The accessory homestay permit requires the owner, and responsible party if the responsible party is not the owner, to agree to abide by all requirements of this zoning ordinance, and all other applicable federal, state and local laws and regulations.
4. With his/her signature on an application for accessory homestay, the owner authorizes the zoning administrator and his/her designee to enter the dwelling unit upon reasonable advance notice, at least one time during each year for which the permit is valid, to verify that the accessory homestay is being operated in accordance with the provisions of this §12.9.12 and the home occupation provisions in §12.9.11, and all conditions of the accessory homestay permit.
5. An accessory homestay permit may be revoked by the zoning administrator as set forth below; an applicant whose accessory homestay has been revoked pursuant to this paragraph shall not be eligible to receive any new accessory homestay permit for [one or two] years:
 - (a) In the event that there are three or more substantiated complaints received by the County within a one year period; or
 - (b) For failure to comply with the regulations set forth this §12.9.11, the home occupation provisions in §12.9.10 and any permit conditions; or
 - (c) For refusal to allow the zoning administrator and his/her designee to enter the dwelling unit as required by §12.9.12.C.4 above.

* * *

Article 18. Definitions

§18.1. Word Usage

The word "used" includes "designed, intended or arranged to be used" and vice versa; words used in the present tense include the future; words used in the singular number include the plural number and vice versa; the word "building" includes the word "structure"; the word "dwelling" includes the word "residence"; the word "lot" includes the word "plot"; and the word "shall" is mandatory and not directory.

§18.2. General Terms Defined

For the purposes of this zoning ordinance certain terms and words used herein shall be defined and interpreted as follows.

[Accessory homestay. See Homestay, accessory.](#)

* * *

Apartment. A room or group of rooms used as a dwelling unit for one family, with facilities for preparing food therein. See also "dwelling unit."

* * *

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

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

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Dormitory. A residence, not operated for commercial gain, for groups who are associated with an organization such as a school or a university, a religious order, a health care program or a nonprofit, charitable, benevolent, educational or governmental agency providing shelter for needy persons or persons who are recipients of the agency's charitable, benevolent, educational or governmental activity; which institution customarily provides housing quarters with a single kitchen and living area for the group and may include groups residing with one or more resident counselor(s) or other staff person(s).

Duplex. Two attached dwelling units in a single structure on a single lot with dwelling units situated either wholly or partially over or under the other dwelling unit. The building has all exterior characteristics of a one-family attached dwelling, having a single front entrance or one front and one side entrance on the first floor; provided an outside, enclosed stairway located parallel and abutting the rear of the dwelling shall be permitted for direct access to the second floor level.

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

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

382 * * *

383 Family: (a) An individual, or two or more persons related by blood, marriage or adoption, or under
384 approved foster care; or

385 (b) A group of not more than four persons (including servants) whether or not related by blood or
386 marriage living together and sharing living areas in a dwelling unit; or

387 (c) A group of up to eight persons with mental illness, intellectual disability or developmental
388 disability who are residing with one or more resident counselor(s) or other staff person(s) in a
389 facility which is licensed by the Department of Behavioral Health and Developmental Services of
390 the Commonwealth of Virginia. For the purposes of this zoning ordinance, mental illness and
391 developmental disability shall not include current illegal use of or addiction to a controlled
392 substance as defined in Section 54.1-3401 of the Code of Virginia or its successor; or (d) A group
393 of up to eight aged, infirm or disabled persons who are residing with one or more resident
394 counselor(s) or other staff person(s) in a facility licensed by the Virginia Department of Social
395 Services of the Commonwealth of Virginia.

396 * * *

397 Family/caregiver suite. Not more than two rooms plus a bathroom and "efficiency" kitchen in a dwelling
398 that are designed, arranged, used or intended for occupancy by either not more than two
399 persons who are related by blood or marriage to the principal occupant of the dwelling or no
400 more than two persons who may be unrelated to the principal occupant of the dwelling, at least
401 one of whom provides care for one or more children of the principal occupant of the dwelling or
402 care for or assistance to one or more elder(s) or person(s) with disabilities who are occupant(s) of
403 the main dwelling.

404 * * *

405 Group home. A residential facility in which more than eight individuals with mental illness, intellectual
406 disability or developmental disability reside, with one or more resident counselors or other staff
407 persons; provided that, for purposes of this definition and the use of the term within the zoning
408 ordinance, "mental illness or developmental disability" shall not include current illegal use of or
409 addiction to a controlled substance as defined in Va. Code § 54.1-3401; all as provided in Va.
410 Code §15.2-2291.A.

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

415 Guest house. See §12.9.10.

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

419 * * *

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

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

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

428 Hotel unit. Same as “guest room”.

429 * * *

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

433 * * *

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

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

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