

Adopted Zoning Ordinance Amendment: ZOA-2016-13

- Text to be added is shown with underline and text to be deleted is shown with ~~strikethrough~~. Text shown with double-underline is text to be added that was not included in the advertisement; text shown with ~~double-strikethrough~~ is text to be deleted that was not included in the advertisement.
- Text shown in yellow boxes is explanatory only and is 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
Home occupations	P	P	P	P	P	P	P	P	§12.9.11
<u>Homestay, accessory</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>§12.9.12</u>
Mortuaries and funeral homes	U	U	U	U	U	U	U	U	§12.9.14
Swimming pools, private	P	P	P	P	P	P	P	P	§12.9.17
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	§12.9.16
Vehicle maintenance and minor repairs, routine	P	P	P	P	P	P	P	P	§12.9.18
Vehicle, unlicensed and/or uninspected.	P	P	P	P	P	P	P	P	§12.9.19

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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	RA 14-26	RA 8-18	RA 7-16	RA 6-15	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
<a href="#">Homestay, accessory</a>	<a href="#">P</a>	<a href="#">P</a>	<a href="#">P</a>	<a href="#">P</a>	<a href="#">§12.9.12</a>
Mortuaries and funeral homes	U	U	U	U	§12.9.14
Swimming pools, private	P	P	P	P	§12.9.17
Recreational vehicle or trailer parking	P	P	P	P	§12.9.16
Telecommunications antennae, building and ground mounted	U	U	U	U	
Vehicle maintenance and minor repairs, routine	P	P		P	§12.9.18
Vehicle, unlicensed and/or uninspected	P	P		P	§12.9.19

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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
<b>KEY: P = allowed by-right; U = requires use permit approval; S = requires site plan approval; Blank cell = not permitted</b>																				
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
<u>Homestay, accessory</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>P</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>P</u>	<u>P</u>	<u>§12.9.12</u>
Live entertainment and/or dancing						U	U		U	U	U	U	U	U	U	U	U	U	U	§12.9.13
Mortuaries and funeral homes	U	U	U	U	U	U		U	U	U	U	U	U	U		U		U	U	§12.9.14
Outdoor café associated with a restaurant on private property	P			P		P	P		P	P	P	P	P	P	P	P	P	P	P	§12.9.15
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	§12.9.15
Swimming pools, private	P	P	P	P	P	P	P	P	P	P	P	P	P	P		P		P	P	§12.9.17
Recreational vehicle or trailer parking	P	P	P	P	P	P	P	P	P	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	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	§12.9.18
Vehicle, unlicensed and/or inspected	P	P		P	P	P		P	P	P	P	P	P	P		P		P	P	§12.9.19

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**Article 12. Use Standards**

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**§12.9. Accessory Use Standards**

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30 **§12.9.11. Home occupation**

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

34 A. Home occupations which are conducted as limited by ~~§12.9.11.C~~ subsection §12.9.12.C, below,  
35 and which have the general character of the following uses are permitted:

36 1. Accessory homestay, subject to the provisions of this §12.9.11 and §12.9.12.

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38 \* \* \*

39 C. Home occupation uses shall be subject to the following limitations. All limitations apply together.  
40 No limitation shall be interpreted as relaxing another limitation.

41 1. Home occupation operators shall apply for and enter into an agreement with the zoning  
42 administrator certifying that they will comply with the requirements for a home occupation in  
43 the zoning ordinance. The zoning administrator shall approve the agreement only upon  
44 finding that the home occupation will comply with the zoning ordinance and that it will be  
45 clearly subordinate to the principal use of the premises for dwelling purposes.

46 2. There shall be no evidence on the exterior of the premises or visible from the exterior of the  
47 premises that the property is used in any way other than for a dwelling.

48 3. There shall be no signs.

49 4. There shall be no outside display, storage, or sale of merchandise or equipment.

50 5. With the exception of accessory homestay, only one person, at any time, who is not a bona  
51 fide resident of the dwelling, may be employed or perform work on the premises.  
52 Nonresident employees are prohibited for accessory homestay, provided, however, hired  
53 service for normal maintenance, repair and care of the residence or site, such as yard  
54 maintenance or house cleaning, is allowed. In addition, a disabled resident may employ  
55 assistance from one person at a time who is not a resident and whose assistance is limited to  
56 overcoming the effect of the disability. A written statement identifying the person who will  
57 give the assistance, the kind of assistance that will be given and the time the person will be in  
58 the dwelling must be filed in the office of the zoning administrator as to each person  
59 permitted to be employed as an assistant to a disabled person before that person may be  
60 employed in the dwelling. If the dwelling is an accessory dwelling, persons who are not bona  
61 fide residents of the dwelling may not be employed or perform work on the premises except  
62 one non-resident employee may be employed or perform work on the premises providing  
63 assistance to a disabled resident, as above.

64 6. Instruction of students (including delivery of materials clearly incidental to training) and  
65 service to clients or customers shall be limited to 12 persons per day but under no  
66 circumstances more than four persons at any one time, except as provided in §12.9.12.A.2  
67 below, which shall govern the number of lodgers allowed for accessory homestay.

68 7. With the exception of accessory homestay, the total floor area on any premises to be used  
69 for home occupation(s) shall not exceed a figure calculated by taking 25 percent of the total  
70 floor area of the principal dwelling on the premises, excluding attached garages provided,



110 bedrooms in the dwelling, provided, however, under no circumstances shall the number  
111 of lodgers exceed that allowed by the Building Code

112 ~~(b) An accessory homestay shall not include simultaneous rentals under separate contracts.~~

113 Paragraph (a) above will be combined with paragraph 2

114 3. Accessory homestay shall be allowed in dwelling units that have an accessory dwelling,  
115 subject to the following

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

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

120 4. An accessory homestay shall have working fire extinguishers, smoke detectors and, if  
121 applicable, carbon monoxide detectors, and all such equipment shall be accessible to all  
122 overnight lodgers of the homestay at all times.

123 5. Any sleeping room used for an accessory homestay shall have met the requirements for a  
124 sleeping room at the time it was created or converted.

125 6. Commercial meetings, including luncheons, banquets, parties, weddings, meetings, charitable  
126 fund raising, commercial or advertising activities, or other gatherings for direct or indirect  
127 compensation are prohibited pursuant to an accessory homestay permit.

128 7. An accessory homestay shall comply with requirements of the applicable version of the  
129 Virginia Uniform Statewide Building Code, as determined by the Building Official.

## 130 B. Accessory homestay application

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

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

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

## 142 C. Accessory homestay permit.

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

- 146 1. An accessory homestay permit shall be valid for one year from date of issuance.
- 147 2. It is the responsibility of the resident-owner to renew the permit upon expiration, by
- 148 submitting an updated application, as required in §12.9.12.B above.
- 149 3. The accessory homestay permit requires the resident owner, and responsible party if the
- 150 responsible party is not the resident owner, to agree to abide by all requirements of this
- 151 zoning ordinance, and all other applicable federal, state and local laws and regulations.
- 152 4. With his/her signature on an application for accessory homestay, the resident owner
- 153 authorizes the zoning administrator and his/her designee to enter the dwelling unit upon
- 154 reasonable advance notice in response to a complaint(s), to verify that the accessory
- 155 homestay is being operated in accordance with the provisions of this §12.9.12 and the home
- 156 occupation provisions in §12.9.11, and all conditions of the accessory homestay permit.
- 157 5. An accessory homestay permit may be revoked by the zoning administrator as set forth
- 158 below; an applicant whose accessory homestay has been revoked pursuant to this paragraph
- 159 shall not be eligible to receive any new accessory homestay permit for one year:
  - 160 (a) In the event that there are three or more violations recorded by the County within a one
  - 161 year period; or
  - 162 (b) For failure to comply with the regulations set forth in this ~~§12.9.11~~ §12.9.12, the home
  - 163 occupation provisions in ~~§12.9.10~~ §12.9.11 and any permit conditions; or
  - 164 (c) For refusal to cooperate with the County in a complaint investigation, including allowing
  - 165 the Zoning Administrator or his/her designee to enter the dwelling unit upon reasonable
  - 166 advance notice in accordance with §12.9.12.C.4 above.

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## Article 18. Definitions

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### §18.1. General Terms Defined

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

173 interpreted as follows.

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175 Accessory homestay. See Homestay, accessory.

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178 Home occupation. An accessory use conducted pursuant to §12.9.11, in or from a residential dwelling or

179 its accessory building by person(s) whose principal residence is on the premises. See also.

180 Homestay, accessory. A home occupation in which an owner(s) or tenant(s) of a dwelling unit who uses

181 such dwelling unit as his/her primary residence, rents to a lodger, either such dwelling unit, or

182 any portion thereof.

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

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189 Responsible party. The owner or tenant, or an individual or business entity designated by the  
190 owner or tenant, of a dwelling unit in which an accessory homestay is permitted, who is available 24  
191 hours a day, 7 days a week to respond to and resolve issues and complaints that arise during all times in  
192 which the dwelling unit is being used for an accessory homestay, so that a reasonably prompt, in-person  
193 response can be made at the accessory homestay when necessary.

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