

In the adopted amendment:

- Text added is shown with underline and text deleted is shown with ~~strikethrough~~.
- Text added at the November 27, 2017 public hearing is shown in underline/italics.
- Text that was advertised but not adopted is shown with in grey text with grey highlight.
- Text moved from one location to another is shown with double-underline to show the new location and ~~double-strikethrough~~ to show the original location.
- Where paragraphs were added or deleted, all subsequent paragraphs in the Zoning Ordinance are renumbered accordingly; and all references throughout the Ordinance are updated accordingly.
- Footnotes are included for informational purposes only and were not intended to be adopted.

\* \* \*

## 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.

\* \* \*

### §12.9. ACCESSORY USE STANDARDS

\* \* \*

#### 12.9.2 Accessory dwellings

Accessory dwellings are allowed in R districts, subject to issuance of by a permit by the zoning administrator, within or attached to one family dwellings provided they comply with and subject to the following:

##### A. Standards

~~Accessory dwellings are permitted on lots containing one-family dwellings in all R districts (does not include the RA districts), subject to issuance of a permit by the zoning administrator.~~

~~Accessory dwellings are permitted only on lots that meet the following criteria:~~

~~1. Accessory dwellings may be within or attached to one-family dwellings, or in detached accessory buildings on lots containing one-family dwellings, subject to the following limitations:~~

~~(a) Subject to a minimum lot width of 50 feet, the lot conforms to all zoning regulations for the district in which the lot is located, including the minimum lot area for recordation of newly created lots in the district.~~

~~(b) An accessory dwelling shall not be permitted on a lot with a family/caregiver suite.~~

- 27 (c) Not more than one accessory dwelling shall be permitted on a lot.
- 28 2. [OPTION 1] Accessory dwellings shall be located in accordance with all  
29 requirements of §3 Density and Dimensional Standards, provided, however,  
30 accessory dwellings shall be allowed within a nonconforming dwelling or detached  
31 accessory building, in accordance with all requirements of §16 Nonconformities. In  
32 addition, accessory dwellings shall be subject to to the following limitations: ~~On a~~  
33 lot containing a structure with legal nonconforming conditions, including side and  
34 rear yards, setbacks and coverage any modifications to the structure to create the  
35 accessory dwelling shall conform to all zoning regulations for the district in which  
36 the lot is located.
- 37 (a) Detached accessory buildings existing prior to November 27, 2017 may be  
38 altered to make interior alterations, whether structural or non-structural, in  
39 accordance with all requirements of Article 16, to create an accessory dwelling  
40 that conforms with all provisions of this 12.9.2. No accessory dwelling shall be  
41 located in a detached accessory building built after November 27, 2017
- 42 (b) [OPTION 2] [Detached accessory buildings existing prior to [date of adoption]  
43 shall be permitted to make interior alterations, whether structural or non-  
44 structural, in accordance with all requirements of Article 16, to create an  
45 accessory dwelling that conforms with all provisions of this 12.9.2.]
- 46 (c) [OPTION 3] Detached accessory buildings existing prior to [date of adoption]  
47 shall be permitted to be added to or expanded to create an accessory dwelling,  
48 provided that the expansion complies with all requirements of Article 3 Density  
49 and Dimensional Standards and Article 16 Nonconformities, and with  
50 additional setbacks as follows:
- 51 (1) The nearest wall of any expansion shall not be located closer than 10 feet  
52 from any side or rear lot line, nor shall any wall of the expansion be  
53 located closer than 25 feet from any street or officially designated street  
54 right-of-way line.
- 55 (d) [OPTION 4-5] Any detached accessory building [approved after [date of  
56 adoption] shall comply with setbacks in (1) above.
- 57 (e) Detached accessory buildings containing accessory dwellings shall exceed  
58 neither 25 feet nor 1½ stories in height.
- 59 (f) The gross floor area of an accessory dwelling shall not exceed the following:
- 60 (1) [OPTION 6] Neither 1,000 sq. ft. nor 35 percent of the combined floor area  
61 of the main and accessory dwelling, for an attached accessory dwelling that  
62 is wholly within a basement;] [OPTION 7] For a main dwelling existing prior  
63 to [date of adoption], [OPTION 8] The size of the basement for an attached  
64 accessory dwelling that is wholly within a basement][OPTION 9] 1,000 sq.  
65 ft., for an attached accessory dwelling that is wholly within a basement];
- 66 (2) All other accessory dwellings shall exceed neither:
- 67 (i) [OPTION 10] 750 sq. ft. nor 35 percent of the combined floor area of  
68 the main and accessory dwelling, for an attached or detached  
69 accessory dwelling where the gfa of the main dwelling is at least 1,000

- 70 sq. ft.] 50 percent of the gross floor area of the main dwelling (or a  
71 third of the combined gross floor area), up to a maximum of 750  
72 square feet;
- 73 (ii) [OPTIONS 11-12] [1,000 sq. ft. nor 35 percent of the combined floor  
74 area of the main and accessory dwelling for a detached [or attached]  
75 accessory dwelling where the gfa of the main dwelling is at least 1,000  
76 sq. ft.
- 77 (iii) 750 sq. ft. nor 35 percent of the combined floor area of the main and  
78 accessory dwelling for an attached accessory dwelling where the gfa  
79 of the main dwelling is at least 1,000 sq. ft.;
- 80 (iv) [OPTION 13] For an accessory dwelling in a detached accessory  
81 building existing prior to [date of adoption], the size of the existing  
82 detached accessory building]
- 83 (v) 500 sq. ft. nor 45 percent of the combined gross floor area of the  
84 main and accessory dwelling, for an attached or detached accessory  
85 dwelling where the gfa of the main dwelling is less than 1,000 sq. ft.  
86 except, if the gross floor area of the main dwelling is 1,000 square feet  
87 or less, the accessory dwelling shall not exceed 80 percent of the floor  
88 area of the main dwelling, up to a maximum of 500 square feet. For  
89 the purposes of this section, gross floor area shall be calculated to  
90 include all floor area within the inside perimeter of the exterior walls,  
91 including basement, corridors, stairways, closets and interior walls.

92 A valid certificate of occupancy shall have been issued for the accessory dwelling.

93 ~~Before approval of a building permit, the owner shall record a covenant on the~~  
94 ~~property in a form acceptable to the zoning administrator, which identifies the~~  
95 ~~accessory dwelling use and that it is subject to the restrictions imposed by the zoning~~  
96 ~~ordinance.~~

97 3. [OPTION 14] No attached accessory dwelling shall have a separate exterior  
98 entrance facing on the same lot frontage side of the main dwelling as the main  
99 entrance of the main dwelling. [OPTION 15] [except where the exterior entrance is  
100 to an accessory dwelling located wholly within the basement].

101 [OPTION 16] This provision in 3. above could optionally be removed, so there is no requirement regarding  
102 placement of exterior entrance to the accessory dwelling

103 4. ~~On a corner lot, no accessory dwelling shall have its entrance visible from the~~  
104 ~~street.~~

105 5. ~~No accessory dwelling with an entrance above the first floor shall have exterior~~  
106 ~~stairs to that entrance on the side of the lot fronting a street visible from the~~  
107 ~~street.<sup>1</sup>~~

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<sup>1</sup> Moved from B.2-4 below and edited as shown.

108 6. Parking requirements for accessory dwellings shall be as specified and regulated in  
109 §14.3.<sup>1</sup> If a parking survey conducted by the county determines that the block on  
110 which the main dwelling is located is more than 65 percent parked and there is on-  
111 site, existing before issuance of the accessory dwelling permit:

112 ~~(a) Exactly one standard-size space, then such a space shall be maintained; or~~

113 ~~(b) Two or more standard-size spaces that are not tandem, then at least two such~~  
114 ~~spaces shall be maintained; or~~

115 ~~(c) No standard-sized parking spaces, then at least one on-site parking space shall~~  
116 ~~be provided. The owner shall be responsible for providing evidence of creation~~  
117 ~~of the additional parking space<sup>2</sup> to the zoning administrator. All new parking~~  
118 ~~spaces shall be constructed to meet all applicable requirements in §14.2 and~~  
119 ~~§14.3 (including coverage); and~~

120 ~~(d) In any other case, at least two standard-sized parking spaces shall be~~  
121 ~~maintained, at least one of which must provide direct vehicular access.~~

122 ~~(e) For the purposes of this section, a standard-sized space shall be as defined in~~  
123 ~~§14.3.3.C and shall be exclusive of sidewalk area.~~

124 **B. Accessory dwelling application<sup>3</sup>**

125 The following shall be filed with the zoning administrator with the application for an  
126 accessory dwelling permit:

127 1. A floor plan of the accessory dwelling that also identifies its relationship to the rest  
128 of the dwelling, and illustrates the provisions of §12.9.2.A above, and that provides  
129 such further details as may be required by the zoning administrator.

130 ~~2. No accessory dwelling shall have a separate entrance on the same side of the main~~  
131 ~~dwelling as the main entrance of the main dwelling.~~

132 ~~3. On a corner lot, no accessory dwelling shall have its entrance visible from the~~  
133 ~~street.~~

134 ~~4. No accessory dwelling with an entrance above the first floor shall have exterior~~  
135 ~~stairs to that entrance visible from the street.<sup>4</sup>~~

136 5. A certified plat of the lot.

137 6. Evidence of creation of the additional parking space<sup>5</sup>, where required by 14.3.

138 **C. Conditions of approval**

139 1. [OPTION 17] Before approval of a building permit, the owner shall record a  
140 covenant on the property in the land records, in a form acceptable to the zoning

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<sup>1</sup> Parking requirements are proposed to be revised and moved to 14.3 in order to simplify and to be located with other parking requirements for one-family dwellings; also, order of this provision switched with B below.

<sup>2</sup> This sentence moved to B.6 below.

<sup>3</sup> Switched order with 6 above

<sup>4</sup> B.2, 3 and 4 moved to A. 5 and 6 above and edited as shown

<sup>5</sup> Moved from A.7(c) above

141 administrator, which identifies the accessory dwelling use and that it is subject to  
142 the restrictions imposed by the zoning ordinance.]

143 [OPTION 18] [This provision in 1. above, could optionally be removed, so a deed covenant is not required]

144 2. No more than ~~three~~ ~~two~~ persons shall occupy the accessory dwelling.

145 3. [OPTION 19] The owner of the main dwelling must shall occupy either the main  
146 dwelling or the accessory dwelling as his/her primary residence; provided,  
147 however, if the owner of the main dwelling does not occupy one of the dwelling  
148 units as his/her primary residence, the entire property may be occupied by no  
149 more than one family. [OPTION 20] or, if on temporary assignment for  
150 employment purposes as evidenced by documents satisfactory to the Zoning  
151 Administrator, may rent out the main and the accessory dwelling during the term  
152 of the assignment one of the dwelling units and for approval of an initial accessory  
153 dwelling, shall have occupied one of the dwelling units for a minimum of one year  
154 immediately prior to approval of the accessory dwelling unit.

155 4. [OPTION 21] Either the main or accessory dwelling unit shall be occupied by a  
156 resident who uses the dwelling unit as his/her primary residence, which means  
157 that he or she resides there for at least 185 days during each year.

158 [OPTION 22] This provision in 3. above, could optionally be removed, so owner-occupancy is not required

159 5. Before a certificate of occupancy is issued for the accessory dwelling, the owner  
160 shall file an affidavit of compliance with the zoning administrator in a form  
161 acceptable to the zoning administrator attesting to compliance with the conditions  
162 of this section, and shall ~~do so annually thereafter~~ re-file the affidavit of  
163 compliance whenever the following occurs:

164 (a) ~~as well as when a new occupant(s) occupies the accessory dwelling and w~~  
165 When any structural alterations modifications are made to the accessory  
166 dwelling; and

167 (b) Upon change in ownership of the main dwelling.

168 6. The owner shall permit annual inspections of the accessory dwelling by the zoning  
169 administrator or his/her designee upon reasonable notice to ensure compliance  
170 with the conditions of this section.

171 7. The owner shall cooperate with the zoning administrator and his/her designee in  
172 ensuring compliance with conditions of this section and in the investigation of  
173 complaints of violations of this section.

174 8. The owner shall advise all tenants of the accessory dwelling of the annual  
175 inspection requirement and obligation to cooperate with the zoning administrator  
176 in ensuring compliance with the conditions of this section.

177 9. Accessory uses shall not be ~~allowed permitted~~ in the accessory dwelling except  
178 home occupations, including accessory homestay, as permitted and regulated in  
179 §12.9.11 and §12.9.12.

180 10. Failure to comply with the conditions in this §12.9.2 will result in revocation of an  
181 accessory dwelling permit and of the certificate of occupancy for the accessory

182 dwelling by the zoning administrator. Revocation of the accessory dwelling permit  
183 and ~~revocation of the~~ certificate of occupancy shall be effective after:

- 184 (a) A finding by the zoning administrator of violation;
- 185 (b) Notice with 30 day opportunity to correct the violation; and
- 186 (c) A finding by the zoning administrator after 30 days that the violation has not  
187 been corrected.
- 188 (d) Notwithstanding §12.9.2.C.9(a)-(c) ~~above~~, if more than three violations of the  
189 provisions of this §12.9.2 are found to exist by the zoning administrator within  
190 a one-year period, the permit may be revoked.

191 D. ~~[OPTION 23] The zoning administrator may approve not more than 28 permits for~~  
192 ~~accessory dwellings in any one calendar year, excluding accessory dwelling permits~~  
193 ~~approved under the provisions of this section to conform existing units created prior to~~  
194 ~~January 1, 2009 to the requirements of this section.~~

195 [OPTION 24][This provision in D. above could optionally be retained, to include a cap of some number  
196 greater than 28, but less than having no annual cap on accessory dwellings]

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199 **§12.9.2. Family/caregiver suites**

200 Family/caregiver suites may be allowed, subject to approval by the zoning administrator  
201 consistent with the following conditions:

- 202 A. Not more than one family/caregiver suite shall be permitted in a dwelling;
- 203 B. The gross floor area of the suite shall ~~not~~ exceed neither 750 500 square feet nor 35%  
204 of the combined gross floor area of the main dwelling and the family caregiver/suite;
- 205 C. The suite shall have interior access to the rest of the dwelling;
- 206 D. The suite shall not have separate utility service (i.e., electric meter and water meter);
- 207 E. A floor plan of the suite that also identifies its relationship to the rest of the dwelling  
208 shall be filed with the zoning administrator;
- 209 F. The property owner shall record a covenant on the property which identifies the suite  
210 use and the restrictions imposed by this ordinance;
- 211 G. The dwelling in which the suite is located shall have only one main entrance and no  
212 new entrance shall be permitted on the same side of the structure as the existing main  
213 entrance of the dwelling;
- 214 H. The suite shall be designed so that it can function as an integral part of the principal  
215 dwelling although the occupants may live independently of each other.
- 216 I. There shall be only one address for the property;
- 217 J. A family/caregiver suite shall not be permitted in a dwelling in which an accessory  
218 dwelling is located; and

219 K. A written statement identifying the person who will provide the care and the kind of  
220 care that will be given must be filed in the office of the zoning administrator as to an  
221 unrelated resident of the family/caregiver suite.

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223 **12.9.11 Home occupation**

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

227 A. Home occupations which are conducted as limited by §12.9.11.C, below, and which  
228 have the general character of the following uses are permitted:

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

230 2. Artist, photographer, sculptor.

231 3. Author, composer, editor, translator, writer.

232 4. Contractor or service business, provided that all requirements of this section are  
233 met as well as the following additional requirements:

234 (a) Not more than one commercial vehicle, as defined in Article 18, shall be  
235 parked on the property and then only in accordance with applicable  
236 regulations of §12.9.4.

237 (b) No contracting equipment or materials shall be stored on the premises,  
238 except in a commercial vehicle used for transporting said equipment and  
239 materials between jobs, and no loading or unloading shall be done on or in  
240 the vicinity of the premises.

241 ~~(c) The dwelling is not an accessory dwelling.~~

242 5. Tailors, milliners, seamstresses, dressmakers and upholsterers.

243 6. Home crafts such as lapidary work, macramé, model making and weaving,

244 7. Office of an ordained minister of religion.

245 8. Office of an accountant, architect, bookkeeper, broker, clerical service, computer  
246 programmer, consultant, dentist, doctor, engineer, instructor in the arts and crafts,  
247 insurance agent, land surveyor, landscape architect, lawyer, musician, real estate  
248 broker or telephone service.

249 9. Office of a salesman, sales representative or manufacturers' representative.

250 10. Repair services, such as musical instruments, watches and clocks, small household  
251 appliances, and toys or models.

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**12.9.12 Homestay, accessory**

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Accessory homestay is allowed subject to the home occupation provisions in §12.9.11 and subject to the provisions below. For the purposes of this §12.9.12, the term resident shall mean either the owner or a tenant.

**A. Standards**

1. Accessory use. Accessory homestay shall be accessory only to household living use as defined in §12.2.3.A.1, and shall be allowed only where:
  - (a) The dwelling unit is used by the resident of the dwelling unit as his/her primary residence, which means that he or she resides there for at least 185 days during each year; and
  - (b) The bedroom(s) rented to overnight lodgers shall be within the main building of the dwelling unit that the resident occupies as his/her primary residence and shall be allowed in a detached accessory building only where such building is approved as an accessory dwelling ~~not be in a detached accessory building~~.
2. Maximum number of overnight lodgers. The maximum number of overnight lodgers on any night of an accessory homestay shall be determined based on the greater of six lodgers, or two lodgers per number of bedrooms in the dwelling, provided, however, under no circumstances shall the number of lodgers exceed that allowed by the Building Code.
3. Accessory homestay shall be allowed in dwelling units that have an accessory dwelling, subject to the following:
  - (a) Either the main dwelling, the accessory dwelling, or both may be rented to lodgers by the resident; and
  - (b) Occupancy in the accessory dwelling is limited to a maximum of three ~~two~~ lodgers;<sup>1</sup>
4. An accessory homestay shall have working fire extinguishers, smoke detectors and, if applicable, carbon monoxide detectors, and all such equipment shall be accessible to all overnight lodgers of the homestay at all times.
5. Any sleeping room used for an accessory homestay shall have met the requirements for a sleeping room at the time it was created or converted.
6. Commercial meetings, including luncheons, banquets, parties, weddings, meetings, charitable fund raising, commercial or advertising activities, or other gatherings for direct or indirect compensation are prohibited pursuant to an accessory homestay permit.
7. An accessory homestay shall comply with requirements of the applicable version of the Virginia Uniform Statewide Building Code, as determined by the Building Official.

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<sup>1</sup> Updated to match occupancy in accessory dwelling from proposed AD regulations



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## Article 14. Site Development Standards

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### §14.3. Parking and Loading

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#### §14.3.7. Required parking and standing space

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A. Parking shall be provided for all uses in accordance with the following standards unless specified otherwise in this or other sections of this zoning ordinance:

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Use Types	Minimum Parking Requirement (spaces)	Additional Requirements
<b>Household and group living uses</b>		
One- and two-family dwellings	Not fronting on cul-de-sac	1 per dwelling unit
	Fronting on cul-de-sac	2 per dwelling unit
Townhouses and stacked one-family dwellings	2 per dwelling unit, and 1/5 additional parking spaces per dwelling unit for visitors	Constructed and maintained in accordance with §14.3.3.  Improved in accordance with §14.3.4.A. constructed and maintained in accordance with §14.3.3
Dwellings, other than one- and two-family	1 & 1/8 for each of the first 200 dwelling units in any structure	Additional parking spaces for visitors shall be located in a clearly marked and designated common area available to all visitors. Provided, however, that visitor parking spaces may be included within the required two parking spaces per dwelling unit when at least 50 percent of parking spaces needed to meet the requirement are located in a common area and are available for either residents or visitors. -Constructed and maintained in accordance with §14.3.3  Plus1 for each additional dwelling unit Constructed and maintained in accordance with §14.3.3.

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## Article 18. Definitions

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306 **§18.2. General Terms Defined**

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309 Dwelling, accessory. A complete independent dwelling unit, with kitchen and bath, designed, arranged,  
310 used, or intended for occupancy by not more than ~~three~~ ~~two~~ persons for living purposes and  
311 meeting the standards of §12.9.2 and under the same ownership as the main dwelling on the  
312 lot.

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