

Overview

The Town of Strasburg is updating, modernizing, and restructuring the Unified Development Ordinance. Strasburg has enlisted the support of the Berkley Group to facilitate public engagement and visioning exercises for feedback on zoning district standards and particular uses.

This process will:

- Identify strengths and weaknesses of selected zoning districts, with permitted uses and use standards being the focus;
- Identify appropriate future uses for industrial zoned property; and
- Consider citizen needs and issues identified through public engagement.

The visioning and update recommendations will be guided by Town staff, the Planning Commission, and the Town Council with opportunities for input from citizens and stakeholders.

Agenda

The March 14, 2024 meeting will be a joint meeting between the Planning Commission and Town Council to review final drafting recommendations for:

- Industrial district
- Accessory dwelling units/tiny homes
- Short-term rentals

The following agenda is provided as an outline for discussion:

- Project/Schedule Overview – 5 minutes
- Drafting Recommendations Review – 60 minutes
- Wrap-up – 5 minutes

Attachments

- A. Project Schedule
- B. Drafting Recommendations Report
- C. Draft Short-Term Rental Ordinance Amendments by Town Staff

Summary of Major Changes Since December 19, 2023 Worksession

Industrial District

- *Consolidation of Uses Throughout*: Further consolidated uses into broader categories.
- *Minimum Road Frontage*: Reduced frontage recommendation to 50' in M-1 to match M-2.
- *Flexibility*: Added Zoning Administrator modification process examples in Appendix A.

Accessory Dwelling Units & Tiny Homes

- *Minimum lot size*: Clarified a minimum lot size of 10,890 SF (0.25 ac.) for detached ADUs, with no minimum lot size for attached ADUs as long as parking and other requirements can be met.
- *Owner occupancy*: Specified that the owner must live onsite in either the principal or accessory dwelling unit.

- *Tiny Home Minimum lot size and setbacks.* Clarified that principal dwellings meeting the tiny home definition on lots less than 5,000 SF can have reduced side/rear setbacks (must meet accessory structure setbacks).

Short-Term Rentals

- *Use permissions:* Adjusted use permissions for consistency with SB 544, should it be signed into law this year.
- *Maximum day caps:* Removed provisions for caps on days of operations.
- *Revocation:* Added provision that allows for revocation of STR permits if in violation of other state laws, County ordinances, or other applicable laws (including property maintenance as discussed at the previous worksession).
- *Posting of information:* Added Town Hall and emergency response contacts to the list of information required to be supplied to the tenant, so complaints and safety calls can reach the proper channels.

Next Steps

Town Staff will prepare the revised Zoning and Subdivision Ordinances for advertising and adoption.

ATTACHMENT A

SCHEDULE

Town of Strasburg Unified Development Ordinance Update Public Engagement Support



Schedule

The project schedule below indicates major tasks and the target month of completion.

PROJECT TIMELINE															
Phase	#	Task Description	2023										2024		
			April	May	June	July	August	September	October	November	December	January	February	March	April
Public Engagement	A1	Project Management / Staff Input	V												
	A2	Investigation / Document Review													
	A3	Tour		X											
	A4	Public Workshops (Up to 3)			X	X							X		
	A5	Public Survey													
	A6	Joint Work Sessions (Up to 5)		X		X		X			X			X	
	A7	Public Engagement & Research Summary Report													
	A8	Mapping													
	A9	Drafting Recommendations													
	A10	Review & Revisions													
X = Anticipated In-person Attendance; V = Virtual Attendance															



Town of Strasburg
Unified Development Ordinance Update
Drafting Recommendations Report
March 2024





Table of Contents

Purpose & Scope.....1

INDUSTRIAL DISTRICT

Overview2

Land Use and Zoning Considerations4

 Heavy Industrial4

 Light Industrial5

Current and Draft Ordinance Regulations7

 UDO Business Park/Light Industrial (BP/LI)7

 Draft Ordinance.....7

 Use Permissions7

 District Standards8

Public Engagement.....9

 Key Issues Identified.....9

Recommendations 11

 General 11

 Use Permissions 12

 M-2, Heavy..... 12

 M-1, Light..... 12

 Recommended Uses for M-1 and M-2 12

 District Standards 13

 Bufferyards..... 14

 Other Landscaping, Screening, and Design Recommendations 15

 M-2, Heavy Industrial..... 16

 M-1, Light Industrial..... 16

 Parcel Recommendations..... 18

ACCESSORY DWELLING UNITS & TINY HOMES

Overview 20

 Accessory Dwelling Units 20

 Tiny Homes 20

Land Use and Zoning Considerations 22



ADUs 22

Tiny Homes 24

Current and Draft Ordinance Regulations 25

 ADUs 25

Public Engagement..... 27

 Public Workshop 27

 Community Survey..... 27

Recommendations 28

 ADUs 28

 Tiny Homes 30

SHORT-TERM RENTALS

Overview 31

Land Use and Zoning Considerations 33

Current Ordinance Regulations..... 36

Public Engagement..... 39

 Public Workshop 39

 Community Survey..... 39

Recommendations 40

APPENDICES

APPENDIX A: Industrial District 44

APPENDIX B: Accessory Dwelling Units & Tiny Homes..... 65

APPENDIX C: Short-Term Rentals..... 77

Purpose & Scope

The Berkley Group, a Virginia-based local consulting firm, partnered with the Town of Strasburg to facilitate joint worksessions with the Town Council, Planning Commission, and stakeholders of the North Shenandoah Business Park, as well as public engagement events including public workshops and an online community input survey.

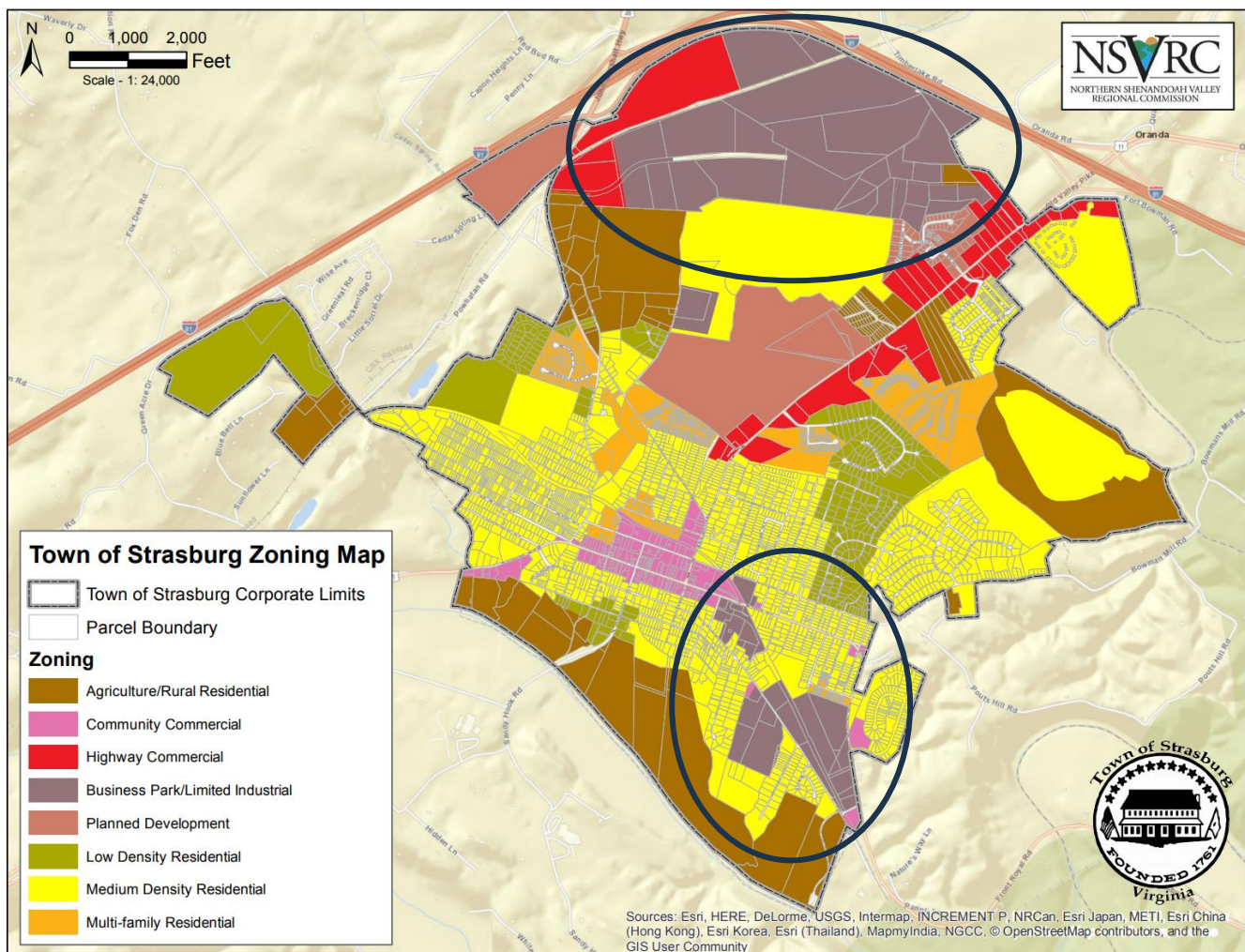
The main topic of discussion involved identifying issues with the current Unified Development Ordinance as they pertain to the Business Park/Limited Industrial District, which encompasses the North Shenandoah Business Park and additional parcels on the eastern side of the downtown area along East King and East Queen Streets. Additionally, the Town wished to learn about residents' preferences on other issues such as accessory dwelling units, tiny homes, and short-term rentals.

Facilitated engagement occurred at the workshops and worksession, and attendees were asked for their feedback on these issues. Live polling surveys and visioning exercises were used in addition to the public survey to gather information. The Berkley Group then synthesized this feedback, informed by analysis and best practices, into this report for the Town of Strasburg. Through this process the Town would determine public opinions on the zoning items as well as receive guidance on the North Shenandoah Business Park.

INDUSTRIAL DISTRICT

Overview

There are two primary industrial zoned areas within the Town of Strasburg. The largest is the North Shenandoah Business Park which is located at the northern end of the Town, in the curve of Interstate 81. An older, second area is located southeast of downtown, in the vicinity of East King Street and East Queen Streets and is centered along the rail line.



While both areas are currently zoned Business Park/Light Industrial (BP/LI), which is the town's only industrially-based zoning district, there are important differences between the two. Lot sizes are larger in the business park, and most parcels within it are not in close proximity to residential areas in comparison to the downtown area. It also does not contain the older, legacy industrial buildings which are common near downtown. These differences are reflective of the different ways the two areas developed:

INDUSTRIAL DISTRICT

- *The industrial areas along East King Street and East Queen Street are examples of industrial development prior to the second half of the 20th Century.*

These areas developed along lines of transportation, such as railroads or waterways, and often predate the imposition of zoning. They may be in proximity to downtowns and often worker housing was built nearby. They contain legacy industrial uses and have been surrounded over time with other uses such as residential.

- *The North Shenandoah Business Park is an example of a sequestered “Park”, created specifically for industrial uses, mostly from the second half of the 20th Century onwards.*

Commonly known as “Industrial Parks” or “Business Parks,” these spaces were intentionally developed for industry. They are master-planned and developed with the goal of increasing the local tax base. They can be located anywhere but are usually found along vehicular based transportation routes (Interstates), and on flat or rolling land in order to minimize grading during development. A second purpose of these self-contained manufacturing areas was to keep manufacturing uses and their noise, dust, and other side effects away from less



compatible uses, specifically single-family residential. This became the dominant form of industrial development in the United States until the decline of more traditional manufacturing and the rise of newer, cleaner technological methods of manufacturing that have fewer community impacts.

Over time, the Town has received concerns from developers that the current development standards for the North Shenandoah Business Park are too cumbersome and are contributing to the low rate of build out. Town Council has indicated a desire to reconsider these requirements to help the park be more productive. Simultaneously, the older industrial areas near the downtown are experiencing decline of their legacy manufacturing industries. These areas are surrounded by residential development and there is a desire to transition them away from heavier industrial uses and to make them more compatible with the surrounding development.

INDUSTRIAL DISTRICT

Land Use and Zoning Considerations

Land Use and Zoning Considerations for Industrial districts focus on mitigating negative impacts to surrounding properties, separating incompatible uses, ease of development, and transportation. Heavy industrial districts need room for businesses to grow so they do not need to relocate but they must also have adequate buffering to protect surrounding land uses. Lighter industrial areas must be more appropriate for proximity to other land uses. In the case of Strasburg, lighter industrial areas must also provide flexibility for legacy industries to continue to operate while allowing the transition to other uses.

Heavy Industrial

- **Setbacks.** Setbacks ensure adequate light, air, access, and space between incompatible uses such as industrial and residential. In Industrial areas, setbacks provide room for future growth and utilities, provide fire and emergency access to all portions of the building, and separate uses that may interfere with each other through vibration, noise, or that may be dangerous when located in close proximity. Industrial parks should have parcels which are large enough to accommodate the manufacturing facility, associated incidental uses, and appropriate setbacks.

From an Economic Development standpoint, setback areas can also be used for expansion once other options have been exhausted. Front setbacks in Industrial Parks should be large enough to meet the aesthetic goals for the park while also allowing for future parking to be added. Rear and side setbacks should allow future horizontal growth through expansion. New or developing parks should have larger setbacks which do not constrict new businesses spatially as they reach maturity. Setbacks can be relaxed once the park reaches maturity, or when business demand requires it. The Zoning Administrator should be allowed to approve a smaller setback to allow for expansion.

- **Screening/landscaping.** The American Planning Association (APA) recommends providing landscaping and buffers from surrounding neighborhoods, as well as incorporating open space into industrial districts to create a campus-like environment. Screening and landscaping serve aesthetic purposes, but also provide benefits such as reduced stormwater runoff, cooler temperatures, and cleaner air.

In the case of industrial parks, landscaping should be used to achieve aesthetic goals for street frontages, screen parking and outdoor storage areas, and provide a vegetative buffer between industrial areas and other uses. Landscaping improvements should be bonded and required to be maintained in perpetuity. Requiring automatic irrigation is the best solution to this, though it can be expensive.

Requirements for front yard landscaping should include a mix of grass, deciduous and evergreen trees, shrubs, and other aesthetically pleasing plants. Native species should be required, non-natives should be disincentivized, and invasive non-natives should be prohibited. Requirements for front yard landscaping should ensure the desired look of the overall district but also include an option for modifications on a case-by-base basis, leaving businesses with the flexibility to have their own character.

- **Bufferyards.** Bufferyards should be of sufficient width to protect adjacent uses from any negative effects, and should contain evergreen trees and shrubs for year-round screening. They should be required along any property lines abutting other less intensive zoning districts, but not necessarily required between

INDUSTRIAL DISTRICT

parcels sharing industrial zoning. Where the adjacent zoning is compatible, provisions can be established to modify or reduce bufferyards.

- **Parking.** Parking areas should have both interior and perimeter landscaping standards requiring deciduous trees and shrubs within the parking area, and evergreen perimeter screening if adjacent to a lower intensity district. These plantings serve to mitigate “heat island” effects, reduce air conditioning costs, and slow runoff. Parking areas may be placed anywhere but are often found in front of buildings, allowing rear and side areas to be used for materials storage and truck access. If logistically workable parking may be located in the rear in order to screen it from the street.
- **Open space.** Undevelopable areas should be left as open space. This reduces the need for buffering from adjacent properties and required landscaping. Similar goals may be achieved using local or regional (park-wide) stormwater ponds.
- **Noise.** Noise requirements should be established for industrial parks, but concerns can be addressed through allowed uses and site design. Industrial parks should have a character and a type of desired business, thus allowing the locality to limit uses within the park which would generate significant noise.
- **Proximity to residences.** Appropriate buffers should be provided between industrial uses and residential areas. This may take the form of a wide vegetated buffer, roads, or other natural features. Abutting commercial areas may require less protection. Less intensive or cleaner, advanced manufacturing processes can be situated closer to residential uses since they have fewer side effects.
- **Access to transportation.** Industrial parks should be located with good access to transportation. This enables raw materials to be brought in and finished goods to be taken out. In the case of warehousing, locations should be strategically located between producers and markets. Access to rail can be advantageous depending on the type of manufacturing conducted.
- **Transition zones.** Less intense zoning, such as commercial, should be applied on the edges of Heavy Industrial areas in order to provide a transition to less intensive uses such as residential.
- **Flexibility.** Intensive screening within the park is not necessarily needed, but still may be desirable between the heaviest industrial uses and lighter industrial uses or office buildings. These requirements may be modified where appropriate to provide additional space or supplemented with other methods such as fencing or wider setbacks.

Light Industrial

- **Setbacks.** Setbacks in light industrial areas serve the same purpose as in heavier ones, but sometimes on a smaller parcel and in closer proximity to incompatible land uses. They may be combined with denser screening through landscaping or other creative methods to accomplish these goals in a smaller area.
- **Screening/landscaping.** In lighter industrial areas screening and landscaping should be used creatively to protect residential areas from negative impacts of industry. All completely new development should meet the ordinance requirements. Renovations or expansions of existing sites beyond a certain point should trigger the requirement to provide landscaping and screening to the entire site. This should be done in a

INDUSTRIAL DISTRICT

reasonable way that addresses existing screening issues even if they are not in the same location as the improvements.

- **Bufferyards.** On smaller lots bufferyards should be reduced in width but still provide the same screening effect. Evergreen plantings at high density are typically used but other creative solutions such as fencing may be employed.
- **Parking.** Improving landscaping and screening in non-conforming parking areas should be prioritized. These parking areas often have a high utilization rate due to smaller lot sizes and growth that has occurred over time, and often do not meet current standards. Improvements should be required with any renovation or expansion. Parking areas should include deciduous plants and shrubs in their interior and evergreen screening when placed adjacent to other uses. Often overflow parking may occur on the street, or on adjacent properties. Creative solutions for employee parking, such as shared parking or non-standard parking lot layouts, may be needed to allow older businesses to remain viable.
- **Noise.** Industrial uses outside of industrial parks should be limited by general noise requirements such as those currently in Chapter 38, Article II of the Town Code. Noise standards for specific industrial uses can be further stipulated in use performance standards for specific uses, if desired.
- **Nonconforming parcels.** Many older parcels may not meet current requirements for frontage or lot size. Merging parcels should be required with new development or additions until conformity is achieved.
- **Outdoor storage and dumpsters.** Unscreened outdoor storage of materials and equipment should be prohibited. Storage areas, if necessary, should be located to the side and rear of parcels, and well screened through fencing and landscaping from adjacent parcels and the right of way. Buildings or facilities existing over multiple parcels should have their parcels combined should the opportunity arise.
- **Proximity to residences.** For older industrial areas which are surrounded by residential, it is best to allow these areas to transition away from industrial to other uses. They can be repurposed into mixed-use, creative, commercial spaces. If industrial uses are to continue, then creative solutions may need to be used to mitigate impact on surrounding residences.
- **Flexibility.** Flexibility is essential to keep older industrial areas viable. The Zoning Administrator should have authority to approve modifications or alternative designs which still meet the intent of the ordinance.

INDUSTRIAL DISTRICT

Current and Draft Ordinance Regulations

Industrial uses are currently regulated in Section 3.14 of the Unified Development Ordinance (UDO) by the Business Park/Limited Industrial (BP/LI) District. Staff has been developing new regulations that would separate this district into two new ones, M-1 Industrial, Heavy, and M-2 Industrial, Light. The proposed ordinance consolidates uses and simplifies the language used. Both the current UDO and the proposed ordinance industrial regulations are included in the appendix for reference.

UDO Business Park/Light Industrial (BP/LI)

This zoning category currently applies to all industrially zoned land within the Town and does not distinguish between areas in the North Shenandoah Business Park and elsewhere. It was designed to ensure that industrial development does not detract from the residential desirability of the Town and is intended for manufacturing industries which produce finished products from semi-finished materials. The UDO uses APA's Land Base Classification Standards (LBCS) system and includes 136 individual uses. Most of these uses are permitted by-right.

Despite the large number of permitted uses the BP/LI zoning can be restrictive in terms of Development Standards, requiring 200' of frontage, limiting buildings to 45', including strict landscaping and bufferyard requirements, and discouraging outdoor storage of materials. Industrial buildings are also subject to Section 6.3 Design Standards for Commercial and Industrial buildings which imposes significant site and architectural requirements. Additionally, including an exhaustive list of permitted uses instead of broader use names means additional text amendments when new uses are desired.

Draft Ordinance

The largest improvement in the proposed ordinance is the creation of separate "light" and "heavy" industrial categories. This separation will allow the North Shenandoah Business Park to be treated differently from other industrial areas within the Town and will enable the development of separate standards and requirements for each district.

The draft ordinance proposes that the business park be designated M-1 Industrial, Heavy, which would be the Town's most intensive zoning district. The designation M-2 Industrial, Light would be used for the legacy industrial areas outside the park, though it could also be used inside the park or on the periphery in the future. These designations should be reversed to be consistent with best practices, with numerical designations ascending with intensity. Both districts include a smaller number of uses that are specific to the district. District Standards are also defined separately for each, though many other requirements are shared.

Use Permissions

Use permissions determine which uses are allowed within a district by-right and which require special permission and may be allowed under certain conditions after a public hearing. They also prohibit unlisted uses within the district.

The current list of uses contained in the Business Park/Light Industrial District is very complex due to the use of the LBCS system. Staff should continue their work to simplify the Zoning Ordinance by combining uses into broader categories. Streamlining of uses will greatly reduce the length of the ordinance and make it simpler to read, use,

INDUSTRIAL DISTRICT

and interpret, and broaden the discretion of the Zoning Administrator. Continuing to combine uses as per best practices is part of the following recommendations.

District Standards

District Standards provide requirements for lot size, setbacks, required frontages, and building heights. They ensure adequate air, light, and access, and have a large effect on the character of development within the district.

Strasburg's current UDO district standards treat all industrial land the same, with moderate setbacks, a large frontage requirement, low building heights, and a large allowed lot coverage. This approach does not account for the differences between the North Shenandoah Business Park and the other industrial areas closer to downtown. It also includes some standards, such as building height and frontage, which make development more difficult within the business park. Lastly, the ordinance lacks the ability to be flexible by allowing modification of the requirements.

The proposed M-1 Industrial, Heavy and M-2 Industrial, Light Districts keep many of the UDO standards but increase front setbacks and create a smaller setback from M-2 when adjacent to residential. This approach acknowledges the differences between these areas and will allow more appropriate development within each district.

Existing Standards:

	CURRENT UDO BP/LI	DRAFT ORDINANCE M-1 Industrial, Heavy	DRAFT ORDINANCE M-2 Industrial, Light
Lot Size	1 ac.	1 ac.	1 ac.
Front Setback	10'	50'	50'
Side Setback	20'	20'	20'
Rear Setback (not adj. to Res.)	25'	50'	25'
Rear Setback (adj. to Res.)	50'		
Road Frontage	200'	200'	200'
Building Height	45'	45'	45'
Lot Coverage	70%	70%	70%

INDUSTRIAL DISTRICT

Public Engagement

During the summer of 2023 the Berkley Group and the Town of Strasburg conducted public workshops to gather community input on zoning district uses and standards, including industrial. A worksession with Town Council, the Planning Commission, and the Industrial Development Authority was also held to focus specifically on the industrially zoned areas of Town.

Input from the public, Town Council, Planning Commission, and the Industrial Development Authority identified the need to streamline the Town's industrial zoning, to make landscaping and design standards in the North Shenandoah Business Park more business friendly, and to allow lighter industrial areas near downtown to transition to other uses while allowing flexibility for creative screening solutions.

Key Issues Identified

The North Shenandoah Business Park and the industrial areas near downtown should be treated differently.

- The North Shenandoah Business Park should be zoned heavier industrial, and the parcels near downtown a lighter industrial zoning.
- Stakeholders preferred offices, small businesses, and advanced manufacturing uses within the park, and introducing commercial uses in other areas. Permitted uses should be adjusted to focus on these priorities.
- There was concern over allowing very heavy industry in both areas.

The Business Park/Light Industrial District zoning is too restrictive to allow desired development to take place in the North Shenandoah Business Park.

- The existing landscaping and screening standards are problematic and costly for businesses to implement within the park and should be reconsidered.
- Screening and buffering should continue to be required on the edges of the park where industrially zoned land abuts other zones.
- The existing design requirements are not realistic for industrial parks in this area and are a deterrent to development.

The Town should focus on building out the North Shenandoah Business Park.

- Economic development and attraction activities should focus on locating new businesses within the park.
- Borden Mowery Drive should be completed through the park.
- Unusable parcels should be consolidated with usable ones.
- Access to all parcels should be improved to aid developability.
- Water and IT infrastructures should be built out throughout the park.

Some of the parcels on the periphery of the North Shenandoah Business Park should be rezoned for commercial.

- Highway Commercial or Industrial, Light is a better zoning for some locations along John Marshall Highway and Radio Station Road. This will help to attract uses such as hotels, convenience and grocery stores, and will allow developers to take advantage of the proximity to the interstate interchanges.
- The Town should update the Future Land Use Map to reflect this change and work with landowners to encourage rezoning.

INDUSTRIAL DISTRICT

Light industrial and commercial uses are the most appropriate near downtown.

- The zoning for industrial areas around downtown should be adjusted to remove uses which are too intense to be compatible with the surrounding area.
- New uses should be added which will assist the area to transition over time. These uses should be similar to those allowed downtown.
- There is support for allowing most of the current industrial uses to continue without causing non-conformities. Some of these industries are major employers and should be allowed to remain.

INDUSTRIAL DISTRICT

Recommendations

The following recommendations are proposed after analysis of feedback collected during the planning process and best standards as provided by the APA.

General

Continue to separate the current Business Park/Limited Industrial District into two separate districts. Town staff has already been working to create new regulations for each of these areas. This work should continue since these areas have different needs and impacts on residents.

- Finish creating the two new industrial zones. District numbering should increase as intensity increases. Therefore, M-1 Industry, Light zoning should be used for lighter industrial zones such as those near downtown and M-2 Industry, Heavy zoning is the appropriate designation for the Northern Shenandoah Business Park.
- Rezone the appropriate areas to M-1 or M-2. This will allow the North Shenandoah Business Park to be more business friendly while simultaneously allowing the uses within M-1 to be adjusted to produce better outcomes for downtown Strasburg and nearby residents.
- Creation of a mixed-use district may also be beneficial for potential future developments. The town does not necessarily need to actively rezone parcels to mixed use, but would have this district ready and available should it be appropriate in the future. While the proposed Historic Commercial district has mixed used components, a dedicated district will help facilitate transitional opportunities around former industrial sites near downtown.

Combine uses within both districts into more general use terms.

- Lighter industrial uses which do not have adverse impacts on adjacent properties should be categorized into one use term called “Industry, light.” Often this is determined by the manufacturing process itself, with industries which mostly assemble finished products from processed materials, or similar activities being classified by this use term.
- Industries which produce products from raw materials with few side effects, such as Brewery and Bottling facility, and Distillery, should be termed “Industry, medium.”
- Industries which may have significant and/or noxious impacts, such as Asphalt Plants, Sawmills, or Power Plants, should be termed “Industry, heavy” and require a special use permit.
- Combine other similar uses into broader use terms.

INDUSTRIAL DISTRICT

Examples of uses that could be combined:

Current Uses	Combined Use
Business school, Trade technical and vocational school	Business and trade school
Special trade contractor, Concrete contractor, Electrical contractor, Glass and glazing contractor,	Contractor office
Cold storage facility, Distribution and fulfillment center, warehousing, wholesaling	Warehousing and distribution

Use Permissions

M-2, Heavy

Since space within the North Shenandoah Business Park is limited, it is important to ensure that the available land is used efficiently, and in a way that maximizes tax revenue to the Town and employment for residents.

- **Maximize potential:** Remove less productive uses such as Kennel, Range Shooting, Self-Storage, Janitorial Service, Motor Vehicle Repair Shop, and Crematory.
- **Perform a Market Study:** A market study will help to identify target industries for attraction and will provide strategic guidance which is not available at the time of this report. The study may provide prospective uses which should be added or determine uses that should be removed.

M-1, Light

The allowed and Special Use Permit uses for areas outside of the North Shenandoah Business Park which are to be designated M-1 should be adjusted to help these areas transition over time to be more commercial and less industrial, and an extension of Downtown, while also being suitable for proximity to residential.

- **Remove incompatible uses:** Remove uses such as Construction Sales and Service, and Taxi or Limousine Dispatching Service which are not compatible with downtown or proximity to residential areas.
- **Add uses typically found in Downtown and used in legacy industrial repurposing:** Allow by right uses such as Retail Sales, Restaurant, Microbrewery, and Multifamily (upper stories). Adding such uses will allow non-industrial uses as options for these properties helping them to transition over time.

Recommended Uses for M-1 and M-2

The table below provides use terms recommended for each new industrial district. Uses supplied in bold are new terms. Definitions for these new terms are provided in the appendix.

INDUSTRIAL DISTRICT

Recommended Uses and Permissions:

M-1 – Industrial, Light	M-2 – Industrial, Heavy
<p><u>By Right</u></p> <ul style="list-style-type: none"> • Business and trade School (Existing, combined) • Business Support Services (Existing, combined) • Catering, Commercial • Industry, light (Existing) • Office • School of Special Instruction • Veterinary Hospital/Clinic • Retail Sales (Existing) • Restaurant (Existing) • Microbrewery (Existing) • Mixed-use structure (New) <p><u>Special Use Permit</u></p> <ul style="list-style-type: none"> • Dairy Processing (New) • Event Center • Industry, small-scale (New) • Multifamily (Upper Stories) • Utility Service, Minor (Existing) 	<p><u>By Right</u></p> <ul style="list-style-type: none"> • Business and trade school (Existing, combined) • Business Support Services (Existing, combined) • Contractor or Tradesman's Shop (Limited) • Industry, light (Existing) • Industry, medium (New) • Industry, small-scale (New) • Laboratories (Existing, modified, combined) • Warehousing and distribution (Existing, combined) <p><u>Special Use Permit</u></p> <ul style="list-style-type: none"> • Construction Sales and Service • Contractor Office (Existing) • Contractor Yard • Data Center • Equipment Sales and Rental, Light • Equipment Sales and Rental, Heavy • Industry, heavy • Motor Vehicle, Company Vehicle Service Facility • Office • Testing and Experimental Laboratories (HAZMAT) • Truck Terminal • Utility Service, Major • Utility Service, Minor

District Standards

Several additional best practices should be incorporated, such as higher building height limits to allow for greater interior clear height in M-2 and a reduction in road frontage requirements to make additional land available for development.

- **Increase Building Height for M-2:** Increasing the maximum building height for M-2 to 75' will allow larger industrial buildings with greater interior clear height.
- **Reduce Frontage Requirement for both districts:** Reducing the frontage requirement for both districts from 200' to 50' will make more land available for development while still providing adequate access.
- **Reduce Lot Coverage in M-1:** A reduction in lot coverage from 70% to 60% is recommended for the M-1 District. This will help to reduce stormwater runoff impacts to the Shenandoah River and its tributaries, as

INDUSTRIAL DISTRICT

well as local groundwater. This standard should be allowed to be modified by the Administrator provided that appropriate Best Management Practices and drainage infrastructure will be installed by the applicant.

- **Flexibility:** An asterisk (*) has been added to certain standards in the table below to indicate that the Administrator may grant a modification of this standard. A process and application should be developed that will discuss how the applicant proposes to offset the reduced standard.

Recommended Standards:

	M-1 Industrial, Light	M-2 Industrial, Heavy
Lot Size	1 ac.	1 ac.
Front Setback	50'	50'
Side Setback	20'	20'*
Rear Setback (not adj. to Res.)	25'*	50'*
Rear Setback (adj. to Res.)	50'	50'
Road Frontage	50'	50'*
Building Height	45'*	75'*
Lot Coverage	60%*	70%*

** Modification may be granted by the Zoning Administrator*

Bufferyards

Bufferyards are landscaped strips of land along the edge of a property that provide a buffer between incompatible land uses such as industrial and residential. Plantings within the bufferyard visually screen the more intensive use from surrounding ones.

Requirements for bufferyards are currently found in Section 4.15.9 of the current UDO. They are divided into three different types, with each bufferyard type containing three different alternative combinations of trees and shrubs that a developer may pick from. A requirement for buffer width is provided in feet after the letter specifying the type of plantings.

- **Type A – Open Space Screening.** An open screen between relatively similar land uses. Open screening shall provide an attractive separation between the land uses.
- **Type B – Semi-Opaque Screening.** A semi-opaque screen between land uses which are dissimilar in character. Semi-opaque screening should partially block views from the adjoining land uses and create a separation between the adjoining land uses.
- **Type C – Opaque Screening.** An opaque screen between incompatible land uses. Opaque screening should block views between adjoining land uses and create a definite spatial separation.

Moving away from the existing requirements with simpler requirements is recommended. A width and number of trees planted per a set distance or square footage is sufficient and consistent with best practices. Providing numerous alternatives for each buffer type is not necessary. Width and density of plantings should be reduced in cases where M-1 abuts commercial zones. No bufferyard is recommended between industrial zones.

INDUSTRIAL DISTRICT

- **Create Bufferyard Types D25 and E10:** Create two new, smaller bufferyards for tighter locations which utilize a single row of evergreen trees, in a 25-foot and 10-foot buffer width, respectively, to produce a hedge at maturity, allowing buffering requirements to be met in a smaller amount of space but also in a reasonable and business-friendly way:
 - **D25 = 25', one row large evergreen trees (15' OC)**
 - **E10 = 10', one row large evergreen trees (15' OC)**

These bufferyards may also be used to offset reduced setbacks when modified by the Administrator.

- **Do not require bufferyards between industrial parcels:** No bufferyard is recommended between like uses, only setbacks. These may also be reduced at the discretion of the administrator, and with an alternative screening design.
- **Flexibility:** In the recommendations below, an asterisk (*) has been added after certain standards to indicate that the Administrator may grant a modification of this standard. A process and application should be developed that will discuss how the applicant proposes to offset the reduced standard.

These recommendations can be implemented by amending the Required Bufferyard matrix in Section 4.15.9 as follows:

Recommended Bufferyard Requirements:

	CURRENT UDO BP/LI	RECOMMENDATIONS M-1, Light Industrial	RECOMMENDATIONS M-2, Heavy Industrial
Adjacent to:			
AG/RR	C50	C50	C50
ER	C50	C50	C50
LDSFR	C50	C50	C50
MDSFR/TH	C50	C50	C50
MFR	C50	C50	C50
CC	B25	D25*	C50
HC	B10	E10*	D25
BP/LI (M-1/M-2)	A10	None	None

** Modification may be granted by the Zoning Administrator*

Letter = Bufferyard Types per UDO Section 4.15.9.C

Number = Minimum Depth of Bufferyard Area, measured in feet from lot boundary

Other Landscaping, Screening, and Design Recommendations

Landscaping and screening requirements provide screening between incompatible land uses, mitigate effects from heat and noise, slow water runoff, and provide attractive aesthetics. Design requirements determine how buildings must look and what types of building materials may be used.

Within heavier industrial areas such as the North Shenandoah Business Park landscaping standards for parking areas should be maintained. Screening of outdoor equipment and materials is also recommended. The design requirements found in Section 6.3 increase costs to developers and are a deterrent to development. Relaxing these requirements within the park is recommended.

INDUSTRIAL DISTRICT

The lighter industrial areas near downtown predate the current ordinance's landscaping and buffering requirements, and parcels may have little if any existing screening. Often the facades of their industrial buildings are visible from surrounding properties and are a feature of those streetscapes. Some of these industrial uses are viable businesses and it is unlikely that existing buildings will change unless they were to close or relocate. In instances such as this, best practices for landscaping and screening require any new development to meet the typical landscaping requirements. However, flexible requirements and creative solutions should be used to reduce impacts to surrounding properties.

M-2, Heavy Industrial

Design Standards

- **Right-size design standards within the park.** Section 6.3 of the UDO contains design standards for commercial and industrial buildings which exceed that of surrounding business/industrial parks and are deterring development. These include requiring walls to be made of brick, stone, or stucco, prohibiting metal surfaces, and requirements as to façade color and architectural treatments. These should be reduced or removed entirely. If desired, one or two common design elements, such as signage or building materials, could be required for visual continuity.

Landscaping and Screening

- **Improve visibility from Interstate 81.** Maintain portions of the existing mature trees as a buffer along the perimeter of the park but increase visibility from Interstate 81 by allowing business to thin vegetation during construction so buildings are more visible. .
- **Encourage the use of existing mature vegetation.** Encourage business to keep existing vegetation to act as a buffer and prevent the need for additional planting expense.
- **Screen outdoor storage.** Outdoor storage of equipment or materials should be placed behind buildings so as not to be visible from the street. If this is not possible evergreen landscaping should be installed for screening.

M-1, Light Industrial

Design Standards

- **Continue Design Standards for Light Industry.** Since these areas are closer to other land uses such as residential and downtown, continuing to require design standards for industrial buildings within the M-1 District is recommended.

Landscaping and Screening

- **Require all new development to fully comply with established regulations.** Entirely new development in the M-1 District, whether on vacant land or redevelopment, should meet the established regulations. As properties transition over time in these areas this will have the effect of reducing their scale as modern landscaping and buffering standards, height requirements, and building codes are applied. This will ensure that future development is more compatible with the surrounding neighborhoods and downtown.

INDUSTRIAL DISTRICT

- **Allow flexibility for additions and expansions while still meeting the intent of landscaping and screening regulations.** At the discretion of the Zoning Administrator, allow additions and expansions to existing businesses while requiring creative alternative landscaping and screening improvements which meet the intent of the screening and buffering requirements. This could be done by adopting language similar to the following example:

Landscaping Requirements in M-2:

- 1. Shall be as specified in in Section 4.15 Landscaping, or*
- 2. In the case of minor additions or expansions to existing uses, the following alternative designs may be approved at the discretion of the Zoning Administrator:*
 - a. Reduced width of buffers and landscaping strips, provided they incorporate additional screening such as more plantings than required, plantings of different types, fencing, screening in like manner a different area of the property such as a parking lot, or other acceptable screening methods as determined by the Administrator.*
 - b. Improvements to the façade of buildings facing the street or adjacent parcels, such as cladding, new paint, window treatments, awnings, updated signage, or other architectural treatments.*

- **Create a development threshold for requiring screening improvements.** Define a certain percentage or dollar value of improvement over which landscaping and screening is required to be installed on the entire site. This can be an effective way to require a property to comply without complete redevelopment. This could be done by incorporating language similar to the following example:

Any lot or parcel of land having a lawful use that does not conform with the buffering, screening and landscaping provisions for this section shall be required to comply with these provisions if:

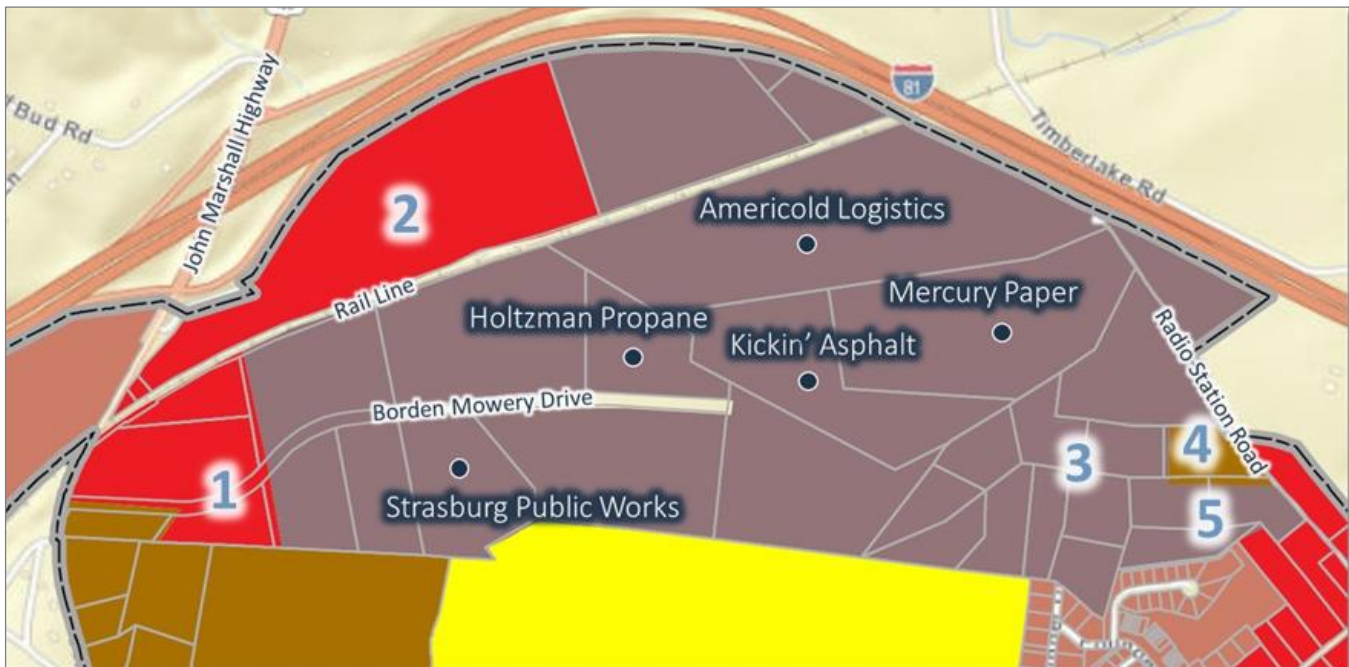
- 1. The lawful use is discontinued for more than two years; or*
- 2. The lawful use is replaced in whole or in part by a higher intensity use type, i.e., commercial to industrial;*
- 3. The associated building or structure containing the lawful use is removed; or*
- 4. The associated building or structure containing lawful use is enlarged, extended, reconstructed or structurally altered to the extent that costs exceed 50 percent of the building's or structure's fair market value prior to any improvement. For purposes of this section, all costs incurred from enlargement, extension, reconstruction or structural alteration of such structure during a three-year period shall be included in determining whether the costs of such improvements exceed 50 percent of the fair market value.*

Such requirements should be kept reasonable by allowing the Administrator the same latitude to approve alternative designs and non-standard installations as in other cases.

INDUSTRIAL DISTRICT

Parcel Recommendations

In addition to general recommendations for splitting the industrial districts into heavy and light uses, the following map shows recommendations for specific parcels in the business park.



#	Parcel # or Address	Recommended Zoning	Discussion
1	016 13 001A (Unaddressed) 016 13 001 (Unaddressed) 016 13 004 (Unaddressed)	Light Industrial	These three parcels are currently zoned HC, Highway Commercial. Due to their location at the western entrance to the business park and proximity to an adjacent resident property, Light Industrial zoning would be appropriate as a transition to heavier industrial uses further inside the park.
2	016 A 086W (Unaddressed) 016 A 086V (Unaddressed)	Heavy Industrial	Due to access issues over the rail line, it may be difficult to attract smaller businesses suitable for commercial zoning. There may also be more need to attract industrial users to the business park in the future if downtown industrial businesses ever relocate or close. Given the finite amount of land available within town limits, retaining these parcels for potential industrial users may be the most practical option.
3	016 10 005 (Unaddressed) 016 10 008 (Unaddressed)	Light Industrial	As there are ongoing issues with creating larger developable industrial parcels from the grouping of

INDUSTRIAL DISTRICT

#	Parcel # or Address	Recommended Zoning	Discussion
	016 10 007 (Unaddressed) 016 10 003 (Unaddressed) 016 10 013 (Unaddressed) 016 10 012 (Unaddressed)		existing smaller parcels in this area, the Light Industrial zoning district may better facilitate smaller, less intense users. These parcels are also in close proximity to residential neighborhoods to the south, so heavier industrial uses may not be appropriate here.
4	016 10 001 (285 Radio Station Rd.) 016 10 004 (Unaddressed)	Light Industrial	285 Radio Station Road is comprised of two parcels and appears to be split zoned, with the eastern parcel zoned AG/RR while the western parcel is zoned BP/LI. To prevent compatibility issues, both parcels should have the same industrial zoning. Based on the current use, Light Industrial may be appropriate. <i>*Note: If the zoning map is in error, the GIS data should be updated to reflect the current zoning.</i>
5	016 10 002 (Unaddressed)	Commercial	Town Council previously expressed interest in transitional commercial zoning along Radio Station Road, as this is the gateway into the business park. This unaddressed parcel fronts on Radio Station Road and is adjacent to existing Highway Commercial zoning. If a transitional commercial use is desired on this parcel, the proposed B-1 zoning district may be appropriate at this location.

ACCESSORY DWELLING UNITS & TINY HOMES

Overview

Accessory Dwelling Units

According to the American Planning Association, accessory dwelling units (ADUs) are small, self-contained living units that typically have their own kitchen, bedroom(s), and bathroom space. Other common names for ADUs include granny flats, carriage houses, guest houses, accessory apartments, and in-law suites. ADUs have gained popularity in recent years as homeowners seek creative solutions to house extended family members, host guests, or generate rental revenue from long-term tenants. Housing advocates also note that ADUs provide affordable housing options for a variety of people, such as students, young professionals, and downsizing seniors.

ADUs are by nature accessory and secondary to a principal dwelling, and generally fit into three types:

- **Interior ADUs** are located completely within the principal dwelling's footprint, often by converting existing spaces such as attics, basements, and attached garages into livable units.
- **Attached ADUs** directly abut and share at least one wall with the principal dwelling. Attached ADUs can be created above an existing attached garage, or can be constructed as an addition to the principal dwelling. In zoning ordinances, definitions for attached ADUs may include interior ADUs under the same umbrella.
- **Detached ADUs** are standalone accessory structures that do not share a wall with the principal dwelling but are located on the same lot, usually in a backyard or side yard. Detached ADUs may be created by converting existing detached structures such as garages or sheds, or through new construction.



Tiny Homes

According to the APA¹, there is no official definition of a “tiny home,” but they are generally accepted to be 400-500 SF or less. These micro living spaces have become a popular housing alternative due to the relatively low construction cost and the simplified lifestyle they represent. Tiny homes have also been touted by affordable housing advocates as desirable units for vulnerable populations who may not be able to afford or maintain a traditional residential unit. These homes may also be used as a detached ADU. Tiny homes may be prefabricated in a manufacturing space or built onsite in the same manner as a stick-built home. There are two primary types of tiny homes:

¹ *Making Space for Tiny Houses*, American Planning Association, June 2017. <https://www.planning.org/publications/document/9125718/>

ACCESSORY DWELLING UNITS & TINY HOMES

- ***Foundation-attached*** tiny homes are constructed on a foundation and function as a typical residential structure, just at a smaller size. Tiny homes on foundations connect to public water/sewer or private well/septic systems, and are otherwise considered a permanent structure.
- ***Chassis-mounted*** tiny homes, also commonly known as “tiny homes on wheels” or THOW, are constructed directly on a heavy-duty trailer and can be towed by a vehicle. THOW are typically constructed with RV or boat-style appliances and fixtures (e.g., RV-compatible ovens), along with residential-grade finishes such as siding and shingles.



Foundation-attached tiny home



Chassis-mounted tiny home

ACCESSORY DWELLING UNITS & TINY HOMES

Land Use and Zoning Considerations

ADUs

While there are many benefits to allowing ADUs in a community, local zoning regulations should also be mindful of protecting the surrounding neighborhood character and preventing ADUs from being illegally converted into short-term rentals.

- **State guidance.** A 2021 report² of ADUs in Virginia noted that localities would like more guidance from the state for developing local regulations. Some states, such as Florida and Oregon, have provided formal statutes, guides, and/or model ordinances to help localities regulate ADUs consistently.
 - During the 2023 legislative session, the Virginia General Assembly tabled House Bill 2100, which would have addressed accessory dwelling units and provided new requirements for localities to allow them.
 - During the 2024 legislative session, Senate Bill 304 was introduced regarding development and use of accessory dwelling units. If adopted, SB 304 would require a locality to include accessory dwelling units as a permitted accessory use in residential districts.
 - During the 2024 legislative session, Senate Bill 544 was introduced regarding accessory dwelling units and short-term rentals. If adopted, SB 544 would prohibit a locality from barring the use of or requiring a special use permit for the use of an accessory dwelling unit as a short-term rental if the owner lives in the primary dwelling.
 - While formal zoning guidance has not been provided at this time, the 2018 edition of the Virginia Uniform Statewide Building Code (adopted 2021) provides a new compliance path for ADU construction. The code updates eliminate or provide trade-offs for some of the costliest building requirements that were mandated by previous editions of the Building Code.
- **Public perception.** According to the same 2021 report¹, there is a discrepancy between public perception of ADUs and the reality of ADU market trends and regulations. The public would benefit from formal state guidance and better informational materials that help explain the potential and real roles ADUs play in supporting economic resilience and neighborhood stability.
- **Use permissions.** Use permissions (i.e., uses permitted by right versus those requiring a special use permit) should be determined by a combination of the underlying zoning district and scale/placement of the ADU. Allowing both by-right and special use permit (SUP) options will facilitate viable paths for homeowners to have an ADU on their property, while also giving the Town flexibility to legislatively review ADUs that may be more impactful to the surrounding area, and limit them where needed.

For example, it may be appropriate to allow attached/interior ADUs by right in residential and agricultural districts (as long as they meet other requirements such as setbacks and building code), while detached ADUs

² *State of the Market and Local Policy: Accessory Dwelling Units in the Commonwealth of Virginia*, Virginia Department of Housing and Community Development, November 2021. <https://rga.lis.virginia.gov/Published/2021/RD629/PDF>

ACCESSORY DWELLING UNITS & TINY HOMES

would require a special use permit (SUP) in the same districts. A basic example in residential and agricultural districts could be:

- *By right*: attached/interior ADUs
- *SUP*: detached ADUs
- *Not permitted*: any ADU exceeding a certain size

If the town desires more control of attached ADUs, the by-right option can be further limited to certain performance standards, such as a size threshold. A basic example in residential and agricultural districts could be:

- *By right*: attached/interior ADUs up to 600 SF or 35% of the principal dwelling's total floor area, whichever is smaller.
- *SUP*: attached/interior ADUs exceeding 600 SF or 35% of the principal dwelling's total floor area, whichever is smaller, and all detached ADUs.
- *Not permitted*: attached and detached ADUs exceeding 600 SF or 35% of the principal dwelling's total floor area, whichever is smaller.

The average ADU size is 600 to 1200 SF. The examples above of 600 SF/35% are starting considerations and can be adjusted.

- **Homeowner associations.** Homeowner associations (HOAs) operate privately and independently of zoning ordinance regulations. An HOA may choose to not allow ADUs even if the underlying zoning district allows them by right or with a special use permit. Theoretically, an ADU in an HOA neighborhood may not be violating the zoning ordinance, but may be in conflict with private HOA rules. In these cases, the HOA may choose to enforce compliance with private rules, but the Town would only get involved if there were also an ordinance violation. It may be beneficial to permit ADUs in planned development districts to some extent in the zoning ordinance so that a private HOA can choose to allow or prohibit them.
- **Neighborhood character.** ADUs are not usually included in density calculations when new developments are under review. Therefore, there are concerns that too many unplanned ADUs in one neighborhood can overwhelm the intended character of the area. Dedicated use standards should be established to regulate the overall placement, character, and compatibility of an ADU within a neighborhood. Use standards in the currently adopted UDO can be found in Section 6.1. From a visual perspective, ADUs should be required to match or be compatible with the materials and colors of the principal structure. HOAs that allow ADUs can further require adherence to private neighborhood by-laws that govern appearance. Use standards can further establish requirements for owner occupation of the principal structure, limit use as a short-term rental, etc.
- **Housing alternatives.** ADUs have been noted as low-cost housing alternatives that allow private property owners to generate income or house a family member. ADUs used as long-term rentals add affordable housing options for renters. Demographics that may be interested in smaller affordable units, such as students, young professionals, or seniors, are increasingly attracted to ADUs as alternatives to traditional affordable housing. ADUs also facilitate multigenerational family living situations. Where ADUs are being used for family or acquaintances, the impact on the local housing market can still be generally positive since it takes tenants out of the prospective renter pool.

ACCESSORY DWELLING UNITS & TINY HOMES

- **Short-term rentals.** There are general concerns that ADUs will be used as illegal unregistered short-term rentals (STRs). Zoning regulations should clarify that an approved ADU is not automatically permitted to be used as a short-term rental; both ADUs and STRs should also have dedicated use standards. While review of ADU and STR applications could hypothetically occur at the same time, they should be seen as separate permits that need to meet the respective requirements of both an ADU and an STR. It is possible that an ADU zoning permit or special use permit could be approved, but not an STR permit in the same structure. Many illegal STRs are discovered from citizen complaints. While regulations alone cannot prevent illegal STRs, having solid ordinance language along with clear violation procedures will provide a process to handle them.

Tiny Homes

Tiny homes are generally viewed as having fewer negative impacts than traditional dwellings due to their small size, but may still elicit concerns from the public regarding neighborhood character, unpermitted structures, and safety issues.

- **State guidance.** Currently there is no formal guidance in state code regarding local zoning provisions for tiny homes. The construction aspect is regulated by Appendix Q of the Virginia Residential Code.
- **Use permissions.** Zoning ordinances do not necessarily need to stipulate use permissions for tiny homes on foundations. Rather, they can follow the use permissions of a residential dwelling or ADU. For tiny homes on wheels, however, there are varying approaches for regulating them as structures, mobile homes, or recreational vehicles for zoning purposes.
- **Principal vs. accessory dwelling unit.** Tiny homes on foundations are generally appropriate for use as a detached accessory structure, and people pursuing a legal ADU might actually use a builder specializing in tiny homes. Tiny homes as a principal dwelling may be seen as less appropriate by the broader community, particularly in traditional suburban settings.
- **Cottage courts.** “Cottage courts,” or a small residential development with individual tiny homes and shared community open space, have technically existed for over a century. Cottage courts have been developed as fee-simple subdivided lots, condominium-style lots, or lease lots. While they employ many of the same principles seen in cluster developments, multifamily developments, and even mobile home developments, zoning ordinances are typically not equipped to handle cottage courts.
- **Minimum dwelling/unit size.** The Virginia Residential Code regulates habitable space, including minimum square footage, ceiling heights, and other structural considerations. While a minimum dwelling or unit size can be further specified in the zoning ordinance, such provisions can also create unnecessary barriers for those interested in living in smaller homes.
- **Minimum lot size and setbacks.** Tiny homes can be creative solutions for infill on narrow lots or in a cottage court setting. It may be appropriate to waive or reduce typical minimum lot size and setback requirements when tiny homes can be used as innovative development solutions.



ACCESSORY DWELLING UNITS & TINY HOMES

Current and Draft Ordinance Regulations

ADUs

The following provisions for ADUs are supplied in the current Unified Development Ordinance and portions of the draft ordinance. Language for tiny homes has not been adopted or drafted.

	Current UDO	Draft Ordinance
Definition	Not defined.	<i>Dwelling Unit, Secondary Family Member</i> means an individual dwelling unit within an accessory structure to a single-family dwelling or as a portion of the single-family dwelling with a separate exterior access and does not communicate to the Primary Family Member Dwelling Unit.
Use Permissions	<u>By Right</u> None <u>Special Use Permit</u> <ul style="list-style-type: none"> • AG/RR – Agriculture/Rural Residential • CC – Community Commercial • ER – Estate Residential • HC – Highway Commercial • LDR – Low Density Residential • MDR – Moderate Density Residential • MFR – Multi-Family Residential • PD – Planned Development 	<u>By Right</u> None <u>Special Use Permit</u> <ul style="list-style-type: none"> • A-3 – Agricultural (AG/RR) • R-1 – Residential (ER) • R-4 – Residential (LDR) • R-8 – Residential (MDR) • R-16 – Residential (MFR) • R-H – Residential Historic (MDR/LDR) • B-H – Historic Commercial (CC)
Short-Term Rentals	<u>Section 6.1.2</u> Conversion of an accessory dwelling unit to a rental unit is strictly prohibited. <i>Note: This also prohibits use as a long-term rental.</i>	TBD
Owner Occupancy	<i>Note: Section 6.1.3 contains conflicting provisions for owner occupancy:</i> <u>Section 6.1.3.A</u> The primary dwelling unit is owner-occupied. <u>Section 6.1.3.E</u> The owner of the principal building or lot shall be the occupant of the principal dwelling or of the accessory dwelling unit at all times.	TBD
Size	<u>Section 6.1.3.D</u>	TBD

ACCESSORY DWELLING UNITS & TINY HOMES

	Current UDO	Draft Ordinance
	Living area shall not exceed 60% of the floor area of the main building or principal residence.	
Number per lot	Section 6.1.3.F Accessory dwelling units shall be limited to one (1) per primary dwelling unit, but no more than one per lot.	TBD
Appearance	Section 6.1.3.G Accessory dwellings shall be consistent with the look and scale of adjacent dwellings and development patterns.	TBD
Dual Use	Section 6.1.4.A If an accessory building has dual uses, the living area shall be equal to the floor area of the entire building unless: <ol style="list-style-type: none"> 1. The non-residential portion of the building shall be accessible without going through the residential portion; and 2. The residential portion of the building shall be accessible without going through the non-residential portion; and 3. The residential portion of the building shall be physically separated from the non-residential portion by means of a doorway which may be locked by the occupants of the residential portion. 4. If there are common areas, this requirement may be waived by the Zoning Administrator as to the common area, but such areas shall be considered to be part of the residential portion. 	TBD

ACCESSORY DWELLING UNITS & TINY HOMES

Public Engagement

Public Workshop

On June 12, 2023, the Town of Strasburg conducted a public workshop facilitated by the Berkley Group to gather community input on certain zoning district uses and standards.

- Public workshop participants were in favor of allowing accessory dwelling units (ADUs), with all participants supporting ADUs permitted by-right or with restrictions/standards.
- Most participants responded that tiny homes should be allowed as both primary and accessory dwelling units.

Community Survey

During the community engagement process, a public survey was available online from June 1, 2023 to July 21, 2023 to collect input from the broader community on a variety of topics requested by staff.

ADUs

- 32% of respondents support permitting ADUs with restrictions.
- 36% of respondents support a minimum lot size of at least 0.25 to 0.99 acres for ADUs.
- 62% of respondents support tiny homes as accessory dwelling units.

Tiny Homes

- 34% of respondents support permitting/encouraging tiny homes.
- 36% of respondents support a minimum lot size of less than 0.25 acres for tiny homes.
- 60% of respondents support tiny homes as the principal dwelling unit.
- Respondents were split on allowing reduced setbacks for tiny homes (Yes 34%; No 36%).

ACCESSORY DWELLING UNITS & TINY HOMES

Recommendations

The following recommendations are proposed after review of Virginia-based zoning ordinances and additional model ordinances provided by the APA (available in Appendix B).

ADUs

- **Definition.** Recommend using a plain language term such as “Accessory Dwelling Unit” or “Accessory Apartment” instead of “Dwelling Unit, Secondary Family Member.” Provide definitions for both attached and detached ADUs; interior ADUs can be considered attached to have two easy-to-follow definitions.
 - ***Accessory dwelling unit, attached.** A residential living unit that is within or attached to a primary dwelling unit and that provides independent living facilities for one or more persons, including provisions for sleeping, eating, cooking, and sanitation.*
 - ***Accessory dwelling unit, detached.** A residential living unit that is located in a detached structure on the same lot, and accessory to, a primary dwelling unit and that provides independent living facilities for one or more persons, including provisions for sleeping, eating, cooking, and sanitation.*
- **Use permissions.** Recommend permitting attached ADUs by right (assuming performance standards can be met) and detached ADUs with a special use permit. Applicable zoning districts include residential and agricultural districts. Additional use performance standards discussed in this section should further clarify requirements for minimum lot size, maximum unit size, and appearance.
- **Total number per lot.** Limit one ADU per lot.
 - *A maximum of one (1) accessory dwelling unit may be permitted per lot and must be located within or attached to the principal single family dwelling unit or be located in a detached structure on the property.*
- **Appearance and ingress/egress.** The ADU should be visually subordinate to the principal dwelling. Exterior facades and materials should be designed so that the appearance of the building remains that of a single-family dwelling (versus appearing as a duplex or multifamily structure). Colors and materials of the ADU should match or be compatible. If attached, the ADU should have a dedicated external entrance, which should be on the side or rear of the principal dwelling, and not located on same façade as the front door. The existing provisions of Section 6.1.3.G are consistent with recommendations, and should further clarify entrance locations.
 - *Accessory dwelling units shall be consistent with the look and scale of adjacent dwellings and development patterns. Attached accessory dwelling units shall locate entrances on the side or rear of the principal dwelling.*
- **Lot size.** At the September 13, 2023 worksession, the Town Council expressed interest in establishing a minimum lot size for ADUs. This was further discussed at the December 19, 2023 worksession, where it was debated if a minimum lot size is necessary. Based on the Town Council’s comments and community engagement results, a minimum lot size of 10,890 SF (0.25 ac.) is recommended for detached ADUs. Attached ADUs should not require a minimum lot size as long as parking requirements and other applicable performance standards can be met.

ACCESSORY DWELLING UNITS & TINY HOMES

- **Setbacks.** ADUs should be required to adhere to all standard setback, yard, and height requirements. If setbacks cannot be achieved, the ADU should not be permitted even if minimum lot size is met.
 - *Attached accessory dwelling units shall meet all setback, yard, and height regulations applicable to the principal dwelling.*
 - *Detached accessory dwelling units shall meet all setback, yard, and height requirements applicable to accessory structures.*
- **Maximum size.** The average ADU size is 600 to 1,200 SF. A maximum size cap should be established for all ADUs to help retain their accessory nature and prevent loopholes that could allow a duplex or two principal dwellings on one lot. The UDO currently has a maximum size of 60% of the principal dwelling's floor area. Lowering this threshold is recommended as a starting consideration. The following option would limit ADUs to smaller efficiency-style or 1-bedroom units.
 - *Accessory dwelling units may not occupy more than 600 SF or 35 percent of the floor area of the principal dwelling, whichever is smaller.*

The following table shows examples of additional options for potential ADU size thresholds.

Principal Dwelling Size	Maximum Unit Size		
	Current UDO, 60%	600 SF/35%, whichever is smaller	600 SF/35%, whichever is larger
1,000 SF	600 SF	350 SF	600 SF
1,500 SF	900 SF	525 SF	600 SF
2,000 SF	1,200 SF	600 SF	700 SF
2,500 SF	1,500 SF	600 SF	875 SF

- **Bedrooms.** Recommend limiting bedrooms to two.
 - *The accessory dwelling unit shall have no more than 2 bedrooms.*
- **Short-term rentals.** Using an ADU for an unapproved short-term rental should be prohibited.
- **Owner occupancy.** The UDO currently appears to contain conflicting requirements for owner occupancy in the primary or accessory dwelling unit. At the December 19, 2023 worksession, Town Council expressed concern that the housing stock could be oversaturated with non-local owners seeking to rent out investment properties. Recommend requiring the property owner to live onsite in either the principal or accessory dwelling unit.
- **Parking.** Parking requirements should stipulate one off-street parking spot per bedroom. Efficiency-style units would require one off-street parking spot; 2-bedroom ADUs would require two parking spots.
- **Utilities.** Where private well/septic systems are used, approval from the health department to confirm that the existing system capacities can support an ADU should be required prior to any plan or permit approvals. For metered electric and water/sewer connections, the ADU should be required to tie into the principal dwelling's meter to maintain the ADU's secondary nature. Based on discussion at the December 19, 2023 worksession, additionally recommend requiring the utility account to be in the owner's name.

ACCESSORY DWELLING UNITS & TINY HOMES

Tiny Homes

- **Definition.** Recommend incorporating language from Appendix Q of the Virginia Residential Code and allowing a tiny home on a foundation to be defined as a principal or accessory dwelling unit.
 - ***Tiny home.*** *A principal dwelling or accessory dwelling unit on a permanent foundation that is 400 square feet or less in floor area excluding lofts.*
- **Use permissions.** Use permissions do not necessarily need to be established for tiny homes on foundations that are defined as principal or accessory dwelling units. It is recommended to only allow tiny homes on foundations as a starting consideration. This will help retain the character of a neighborhood and prevent unnecessary complications with utility connections, placement, etc. This will also likely be more palatable for the community in general. Tiny homes on wheels may not be able to connect to standard public utilities and carry other implications if considered a structure, recreational vehicle, or mobile home for zoning purposes. However, interest in allowing tiny homes on wheels can be supported with more research into appropriate best practices.
- **Cottage courts.** The zoning ordinance should include regulations for cottage court developments to help facilitate alternative affordable housing options and to be prepared if there are future market-driven development proposals. A cottage court ordinance can establish site and design requirements to ensure aesthetically pleasing and environmentally sustainable developments. For reference, a model ordinance for cottage courts is included in Appendix B.
- **Minimum dwelling/unit size.** It is not recommended to establish a minimum size for residential dwellings in the zoning ordinance; rather, allow the building code to determine the minimum size of a safe residential structure. If a tiny home can meet residential building code, it should be allowed as a principal or accessory dwelling in the zoning ordinance, at least from a size perspective.
- **Minimum lot size and setbacks.** Generally, tiny homes should follow the lot size and setback requirements for principal and accessory dwelling units when possible. However, provisions should also be included to allow setback reductions for tiny homes as principal dwellings where appropriate.
 - *Principal dwellings meeting the tiny home definition on lots less than 5,000 SF shall meet the standard setbacks in the front, and accessory structure setbacks on the side and rear.*

SHORT-TERM RENTALS

Overview

The American Planning Association (APA) notes that the concept of renting rooms or homes on a short-term basis is not new. Urban boarding houses and rural bed and breakfasts provided temporary residential rental services long before the modern concept of short-term rentals or homesharing. Residential short-term rentals (STRs) have also been common in tourist destination communities such as beach and ski resorts. However, in more traditional suburban neighborhoods, homesharing and vacation rentals have not been as common until homesharing sites like Airbnb and VRBO gained in popularity.

There are three basic types of modern short-term rentals:

- **Unhosted rental of a principal dwelling:** An entire residential unit that is offered for rent for periods of less than 30 days. Unhosted rentals are often owned and operated by a person or entity that does not use the home as their primary residence, such as second homes or investment properties. This can also apply to homes offered for rent while the owners are away, such as during vacations. While a property manager may be available to handle maintenance and emergencies, the key factor is that the entire property is used for transient occupancy while the owner/operator is not present.
- **Hosted rental of rooms within a principal dwelling:** This may also be referred to as a homeshare, where the owners of a residence rent rooms within their home for periods of less than 30 days and continue to occupy the home during rentals. This is typically distinguished from traditional bed and breakfasts, which tend to be viewed as commercial businesses and are often required to meet commercial standards for entrances, parking, etc.
- **Rental of an accessory dwelling unit:** An attached or detached accessory dwelling unit (ADU) that is offered for rent for periods of less than 30 days, typically while the owners continue to occupy the principal dwelling. Conversely, some owners may choose to live in their ADU while renting out the main dwelling. Local regulations may require the owner to live in the either the ADU or principal dwelling, and be onsite during rental, to prevent offering both for rent at the same time.



Short-term rentals can have many benefits, such as generating income for the homeowner and bolstering local tourism. According to the APA¹, properties marketed through home sharing and vacation rental sites often appeal to travelers looking for a more authentic local experience or affordable alternatives to hotels and motels. However, STRs can also have negative impacts on the community, including taking away residential units from the long-term housing stock and causing noise or traffic disruptions in residential neighborhoods that were not envisioned as vacation destinations. Converting residential units to STRs can exacerbate issues with affordability and housing

¹ *Regulating Short-Term Rentals*, American Planning Association, June 2015. <https://www.planning.org/publications/document/9007651/>

SHORT-TERM RENTALS

shortages. Enacting local regulations can help facilitate a viable business market for STR owners while limiting negative impacts and protecting local residential character.

SHORT-TERM RENTALS

Land Use and Zoning Considerations

While there are many benefits to allowing STRs in a community, local zoning regulations should also be mindful of protecting the surrounding residential character and preventing STRs from overwhelming local neighborhoods.

- **State guidance.**
 - Code of Virginia § 58.1-3510.4 authorizes local governments to collect taxes from short-term rentals.
 - Code of Virginia § 15.2-983 authorizes local governments to create a registry of short-term rentals. Localities are allowed to charge a registration fee. However, this registration is not required for properties overseen by licensed realtors or properties that are hotels/motels/bed and breakfast establishments. A short-term rental is considered a period of less than 30 consecutive days.
 - During the 2024 legislative session, Senate Bill 544 was introduced regarding accessory dwelling units and short-term rentals. If adopted, SB 544 would prohibit a locality from barring the use of or requiring a special use permit for the use of an accessory dwelling unit as a short-term rental if the owner lives in the primary dwelling. SB 544 was passed by the Senate and House in February 2024 and as of the time of writing is awaiting consideration by Governor Youngkin.
 - During the 2024, House Bill 695 was introduced regarding short-term rental registrations and civil penalties. If adopted, HB 695 would direct the Department of Taxation to establish a registry of short-term rental properties and require STR operators to register each property offered. HB 695 authorizes the Commissioner of the Revenue to access and enforce the registry.
- **Homeshares versus short-term rentals.** There are several variations for the terms used to describe different types of short-term rentals in a zoning ordinance. “Homeshares” and “short-term rentals” are sometimes used interchangeably, but can also be used to differentiate the type of short-term rental offering. Generally, homesharing involves the rental of rooms within the principal dwelling where the owner or operator lives, and with the owner/operator present while tenants are onsite. The term “homestay” is also used in this context. Short-term rentals involve the rental of the entire unit, with the owner/operator living offsite. Homeshares tend to be viewed as less impactful to the surrounding area, since the owner will be home and tenants are often renting a single bedroom rather than a whole property.
- **Bed and breakfasts.** Traditional bed and breakfasts tend to have impacts more similar to a boutique hotel, motel, or inn, with limited meal service (breakfast or brunch), onsite amenities (spa services, pool, tennis courts, etc.), and commercial-style parking areas. The owner/operator also primarily lives onsite. Bed and breakfasts tend to thrive in rural and urban tourist destinations, but are not as common (and may be restricted) in suburban residential settings. In other states, bed and breakfasts are sometimes regulated similarly to homeshares or short-term rentals. UDO Section 6.2.2 includes regulations for both short-term rentals and bed and breakfasts. However, since Code of Virginia § 15.2-983 prohibits registration of bed and breakfasts as short-term rentals, it may be beneficial to establish performance standards for these respective uses in separate ordinance sections.
- **Use permissions.** Appropriate locations for STRs should be identified through the use permissions. Many localities have found a path forward by allowing STRs near tourist destinations, downtown districts, or college

SHORT-TERM RENTALS

campuses – areas that tend to be walkable, urban, and bustling. Rural areas are also appropriate since they tend to have large lots and ample distance from neighbors. A by-right option may be appropriate in areas that need to attract new visitors for a tourism boost, for example:

- *By right*: homeshares (where individual rooms are rented on a short-term basis in the owner/operator's primary dwelling while they are present)
- *SUP*: short-term rental of an entire unit while owner/operator is not present

Whether a homeshare/STR is permitted by right or with an SUP, use performance standards should be established and the owner/operator should be required to file zoning permits, business licenses, and transient occupancy taxes.

- **Homeowner associations.** Similar to the ADU discussion, HOAs operate privately and independently of zoning ordinance regulations. If the underlying zoning district does not permit STRs, then the HOA cannot supersede this regulatory prohibition. However, if the underlying zoning district does permit STRs, then the HOA can still choose to prohibit them in their private bylaws and neighborhood rules.
- **Neighborhood character.** Noise, traffic, parking, and lighting can all contribute positively or negatively to neighborhood character. Vacationers using a short-term rental may not fully realize the impacts they have on neighbors who have reasonable expectations to quiet, peaceful enjoyment of their neighborhood. Late night parties, increased traffic and speeding, illegal parking, and bright exterior lighting can all bring commercial-style impacts to residential settings that are not equipped for transient housing. Use performance standards should consider days of operation, maximum number of guests, and off-street parking requirements.
- **Housing stock.** Short-term rentals can negatively impact the local housing market by removing units from the stock available to traditional renters and buyers. If left unchecked, this can exacerbate issues of affordability and housing shortages.
- **Maximum cap on number of rentals.** To help manage the cumulative impact of short-term rentals, it may be desirable to restrict the total number of STRs in a given neighborhood or locality. However, there is limited data on the impact and effectiveness of implementing a maximum unit cap, or how to apply an appropriate metric in different types of communities. Danville, VA recently considered a cap of 150 units, or approximately 1% of the existing single family homes in the city. The City Council voted on December 5, 2023 to table it for further research and discussion, citing the need to better understand the impacts of a cap on prospective STR owners and the local housing market. Other national examples of caps include²:
 - Alamosa, CO – 5% per neighborhood
 - Frisco, CO – 25% of the local housing stock
 - Palm Springs, CA – 20% of homes in residential neighborhoods
 - Santa Rosa, CA – limited to 198 units total

² *Anyone hoping to make an easy buck off vacation properties must contend with an 'Airbnbust' and a growing number of places looking to regulate short-term rentals*, Business Insider, April 2023. <https://www.businessinsider.com/cities-fighting-airbnbs-with-regulations-for-short-term-rentals-2022-5>

SHORT-TERM RENTALS

Another consideration could be to cap the number of days a property is available for rent. This approach could require the owner to annually verify the intended rental schedule to the Zoning Administrator, as well as any changes that occur throughout the year.

- Williamsburg, VA – 104 nights per year (equates to every weekend)
- Red Hook, NY – 120 days per year

SHORT-TERM RENTALS

Current Ordinance Regulations

Short-term rentals are currently regulated in Section 6.2.2 of the Unified Development Ordinance. This section originally regulated bed and breakfast establishments, and was revised in 2021 to also address STRs. STR provisions have not yet been drafted for the new ordinance.

	Current UDO
Definition	<p><u>Section 7.2.2</u></p> <p>Short-term rental owner: Any person or entity that meets the definition of “operator” as defined in §15.2-983, as amended, of Virginia State Code.</p> <p>Short-term rental: Any residential use that falls within the definition of short-term rental as defined in §15.2-983, as amended, of Virginia State Code.</p> <p>Short-term rental, not occupied by owner: Any short-term rental where owner does not reside on the property when guests are in residence.</p> <p>Short-term, owner-occupied: Any short-term rental where the owner of the property also resides on the same property during such period when guests are in residence.</p> <p>Bed and breakfast: A use of a single-family dwelling, consisting of rooms maintained for the purpose of providing overnight sleeping accommodations and breakfast for paying guests.</p>
Use Permissions	<p><u>By Right</u> AG/RR, Agriculture/Rural Residential</p> <p><u>Special Use Permit</u> ER, Estate Residential LDR, Low Density Residential MDR, Medium Density Residential MFR, Multi-Family Residential</p>
Permitting/Licensure	<p><u>Section 6.2.2.A.a</u></p> <p>The owner shall obtain a zoning permit to be reviewed on an annual basis by staff. The owner shall obtain an annual business license and pay appropriate Transient Occupancy Tax as outlined in Article VII of the Town Code.</p>
Owner Occupancy	<p><u>Section 6.2.2.A.b</u></p> <p>If the owner of a short-term rental does not reside at the property or locally, the owner shall designate a local property representative. The owner or representative shall be available to respond, physically, within one hour to complaints regarding the condition, operation, or conduct of occupants of the short-term rental. The name, address, and telephone number of the owner and/or local property representative shall be kept on file with the Town. If the owner does not reside at the rental property</p>

SHORT-TERM RENTALS

	Current UDO
	<p>but lives locally and is able to respond as required, they may function as the local property representative.</p> <p><u>Section 6.2.2.A.h</u> If the operator of the short-term rental is not the property owner, written consent from the property owner must be submitted with the application for a zoning permit.</p>
Building Safety and Inspections	<p><u>Section 6.2.2.A.c</u> Prior to issuance of a zoning permit, the Shenandoah County Building official or their technical assistant must do a life safety inspection of the short-term rental to ensure that all applicable Virginia Uniform Statewide Building Code requirements are met; including, but not limited to, regulations regarding fire extinguishers, carbon monoxide detectors, and emergency exits.</p> <p><u>Section 6.2.2.A.d</u> The owner of a short-term rental shall give the Town and Shenandoah County Building Department written consent to inspect the rental property to ascertain compliance with all applicable performance standards upon a twenty-four-hour notice.</p> <p><u>Section 6.2.2.A.e</u> Emergency information must be conspicuously posted inside the property, including contact information for the owner and/or local property representative.</p> <p><u>Section 6.2.2.A.g</u> The owner shall provide an informational packet to each new guest. Review of this information packet is required upon issuance of Zoning Permit. The information must include, but is not limited to:</p> <ul style="list-style-type: none"> i. Maximum occupancy as outlined in Section 6.12 of the UDO ii. Location of off-street parking iii. Code references applicable to noise as outlined in Section 6.12 of the UDO iv. Use restrictions as outlined in applicable Zoning District v. Guidelines for trash storage and removals vi. Evacuation routes in case of fire or emergency vii. Owner or Local property representative information
Parking	<p><u>Section 6.2.2.A.f</u> All short-term rentals shall meet parking requirements of the applicable zoning district, plus one additional off-street parking space per available guest room, in order to accommodate rental guests.</p>
Bed and Breakfasts	<p>Bed and breakfast establishments must meet the provisions of Section 6.2.2.A, as well as additional provisions in Section 6.2.2.B:</p> <ul style="list-style-type: none"> a. Permitted only in single-family dwellings. b. A maximum of five guestrooms, with a maximum occupancy of 15 persons.

SHORT-TERM RENTALS

	Current UDO
	<ul style="list-style-type: none"> c. Food service shall be limited to the breakfast meal and shall be available only to guests and not to the general public in any residential district. d. No receptions, private parties, or other events, for fee shall be permitted. e. Any amenities such as tennis court, swimming pool, etc., shall be solely for the use of the resident owner and guests of the facility. f. Provisions applicable to Bed and Breakfast Establishments as required by the Uniform Statewide Building Code shall be met. g. Issuance of owner permit from the Shenandoah County Health Department is required. h. The maximum length of stay for each guest shall be 30 days or less. i. The owner(s) or property representative shall be available to respond in person within one hour to complaints regarding the condition, operation, or conduct of occupants of the Bed and Breakfast Establishment. j. A Bed and Breakfast shall have frontage on an improved public street. k. One off street parking space shall be provided for each guest room.
Penalties	<p><u>Section 6.2.3</u></p> <ul style="list-style-type: none"> A. A Zoning Permit may be revoked or suspended for the following reasons: <ul style="list-style-type: none"> a. Three or more substantiated complaints including, but not limited to, noise, excess trash, failure to meet parking requirements and exceeding occupancy limits. b. The repeated failure of any short-term rental or bed and breakfast owner to respond physically to in a timely manner to complaints regarding the condition, operation, or conduct of occupants. B. A fine of \$200.00 will be issued to any owner that: <ul style="list-style-type: none"> a. Fails to obtain a zoning permit. b. Receives three or more substantiated complaints including, but not limited to, noise, excess trash, failure to meet parking requirements, and exceeding occupancy limits.

SHORT-TERM RENTALS

Public Engagement

Public Workshop

On June 12, 2023, the Town of Strasburg conducted a public workshop facilitated by the Berkley Group to gather community input on certain zoning district uses and standards.

- Roughly two-thirds of workshop participants indicated support for allowing short-term rentals with restrictions or standards in Strasburg, while the remaining one-third of participants were undecided.

Community Survey

During the community engagement process, a public survey was available online from June 1, 2023 to July 21, 2023 to collect input from the broader community on a variety of topics requested by staff.

- 36% of respondents support permitting short-term rentals with restrictions.
- 25% of respondents support a minimum lot size of at least 0.25 to 0.99 acres for short-term rentals.
- 63% of respondents support allowing entire homes/units to be used as short-term rentals if it is the owner's primary home.
- 59% of respondents support allowing entire homes/units to be used as short-term rentals if it is the owner's second home.
- 60% of respondents support allowing individual rooms within homes to be used as short-term rentals.
- 42% of respondents support allowing accessory dwelling units to be used as short term rentals.
- 52% of respondents support limiting the total number of short-term rentals within specific neighborhoods.
- 48% of respondents support limiting the total number of short-term rentals in town.
- 42% of respondents support allowing alternative/unique structures such as tiny homes and yurts to be used as short term rentals.

SHORT-TERM RENTALS

Recommendations

The following recommendations are proposed after review of Virginia-based zoning ordinances and additional model ordinances provided by the APA (provided in Appendix C).

- **Definitions.** At the September 13, 2023 worksession, the Town Council expressed interest in having separate definitions for homeshares and short-term rentals. This will better convey the intensity of the use and help clarify when it is permitted by right or with a special use permit. A revised definition for bed and breakfasts is also recommended to further distinguish them as a different type of use.
 - *Homeshare.* A principal dwelling in which a room or rooms are offered for rent for a period of less than thirty (30) consecutive days by an owner who resides in the dwelling as the primary residence and will occupy the dwelling during rental periods.
 - *Short-term rental.* The rental of an entire principal dwelling for a period of less than thirty (30) consecutive days by an owner who resides offsite or the rental of an entire accessory dwelling unit for a period of less than thirty (30) consecutive days by an owner who resides in the principal dwelling. This use type does not include bed and breakfast establishments and does not apply to month-to-month extensions following completion of a year's lease.
 - *Bed and breakfast.* A principal dwelling that is occupied by the owner or operator who resides on premises, which provides temporary lodging of no more than five (5) bedrooms. Food service shall be at least one meal per day offered to each person to whom overnight lodging is provided.
- **Bed and breakfasts.** To prevent any compliance issues with Code of Virginia § 15.2-983, all bed and breakfast performance standards (UDO Section 6.2.2.B) should be relocated to a separate section of the new ordinance, and the provision requiring bed and breakfasts to conform with 6.2.2.A should be removed. Provisions from 6.2.2.A that would be legally appropriate to apply to bed and breakfasts should be reestablished in the relocated performance standards.
- **Use permissions.** At the September 13, 2023 worksession, the Town Council expressed interest in limiting STRs to the historic/downtown area, since this area is already dense and should be the destination focus for tourism. STRs may also be appropriate on parcels zoned agricultural, particularly if they are in close proximity to recreational amenities such as parks and trails. With this guidance in mind, the following use permissions are recommended:
 - **Applicable areas:**
 - Historic District Overlay, to include parcels of any zoning that are located within the locally designated Historic District boundary
 - AG/RR (future A-3) District
 - **Use Permissions:**
 - *By right:* Homeshares
 - *SUP:* Short-term rentals of entire units, except in instances where SUPs would be prohibited should SB 544 be signed into law.

SHORT-TERM RENTALS

- **Permitting/Licensure.** At the September 13, 2023 worksession, the Town Council expressed interest in requiring annual zoning permit review. UDO Section 6.2.2.A.a currently requires an annual zoning permit review, as well as an annual business license. It is recommended to retain these provisions in the new zoning ordinance. It is noted that an annual zoning permit would be a separate administrative requirement to a special use permit, and would be required whether the homeshare/STR is by right or specially permitted. This process should also confirm if an owner decides to cease operation of a homeshare/STR.
- **Owner occupancy.** UDO Section 6.2.2.A.b requires that if the owner does not live locally, a local property representative must be designated. This person would be responsible for responding to complaints and emergencies at the STR property in a timely manner. The owner can also serve as the property representative if they reside locally. These provisions are consistent with recommendations and should be retained in the new ordinance.
- **Registry.** Zoning permit records should be maintained and tracked as a registry, as permitted by state code. Maintaining registration records will prove useful in the long run for analyzing local data trends and confirming compliance with related requirements such as business licensure.
- **Penalties.** The current UDO includes provisions for revocation of the permit and a \$200 fine if there are three or more substantiated complaints. Recommend clarifying a hierarchy of penalties to include a succession of penalties within a 12-month period. Offenses may include but not be limited to noise violations, unapproved on-street parking, or other disruptions that are in conflict with ordinance provisions, as well as any conditions of the special use permit.
 - *1st offense:* written warning from Zoning Administrator
 - *2nd offense within 12-month period:* \$200 fine
 - *3rd offense within 12-month period:* \$200 fine and revocation of zoning and/or special use permit

The ordinance provisions should also specify violations for advertising an unapproved or revoked STR. Daily fines may be appropriate to serve as a deterrent for unlisted short-term rentals. The following provisions are adapted from *A Practical Guide to Effectively Regulating Short-term Rentals on the Local Government Level*³. However, it is noted that the Town Attorney should review these provisions to determine full compliance with state code regarding civil fines and misdemeanor provisions.

- *1st violation:* written warning from Zoning Administrator
 - *2nd violation:* \$100 per day until listing is removed and proof of cancellation of all reservations is provided to the Zoning Administrator.
 - *3rd and subsequent violations:* \$250 per day until listing is removed and proof of cancellation of all reservations is provided to the Zoning Administrator
- **Building safety.** UDO Sections 6.2.2.A.c, d, e, and g address building safety. These provisions require inspections by the Shenandoah County Building official to confirm compliance with building codes and safety measures (e.g., fire extinguishers, smoke detectors, emergency exits, etc.). The owner is also required to provide

³ *A Practical Guide to Effectively Regulating Short-term Rentals on the Local Government Level*, Granicus, 2016.

https://granicus.com/pdfs/Whitepaper_-_A-practical-guide-to-effectively-regulating-short-term-rentals-on-the-local-government-level.pdf

SHORT-TERM RENTALS

emergency information packets to all tenants. These provisions are consistent with recommendations and should be retained in the new ordinance. The Building Official and/or Fire Chief should also review these provisions to confirm ongoing consistency with updated codes and best practices.

- **Parking.** The existing parking provisions in UDO Section 6.2.2.A.f, which require conformance with the parking requirements of that district plus one additional off-street parking space per guestroom, are consistent with recommendations and should be retained in the new ordinance.
- **Signage.** At the September 13, 2023 worksession, the Town Council expressed interest in limiting commercial signage. The residential nature of the neighborhood should be maintained, with limitations on commercial elements and signs. Signage of any type should not be allowed for homestays and short-term rentals. For bed-and-breakfasts, however, signage may be considered appropriate. In such cases, it is recommended to limit bed and breakfast signage to one entrance sign visible from the road, in accordance with the provisions of the sign ordinance.
- **Events prohibited.** A new provision should be added to confirm that events such as weddings and parties are not permitted in homestays and short-term rentals. If it is desirable to allow events at bed and breakfast establishments (for example, allowing weddings at a bed and breakfast zoned agricultural), then it is recommended to include those provisions through a new bed and breakfast section as discussed on page 33.
- **Maximum cap on number of rentals.** At the September 13, 2023 worksession, the Town Council expressed interest in limiting the total number of STRs, either in a certain area or town-wide to prevent an area from being oversaturated. As discussed under Land Use and Zoning Considerations, there is limited data on the most effective methods for capping STRs geographically. By restricting STRs to the Historic District Overlay and AG/RR (A-3) District, the town-wide housing stock has some built-in protections against negative impacts on housing costs and availability. If there is a strong desire to introduce a cap, a starting consideration could be:

- Limit homeshares and STRs to 5% of the overall housing stock within the Historic District.

The percentage can be adjusted based on the total number of housing units in applicable zoning districts. Less than 5% may be preferred to prevent oversaturation of the housing stock by STRs.

- **Quiet hours.** Town Code Chapter 38, Article II contains nuisance noise provisions, which establish quiet hours from 10:00 p.m. to 7:00 a.m. This is consistent with recommendations and does not need to be reestablished in the zoning ordinance. It is noted that violations of the noise ordinance in Chapter 38 would fall under the Police Department's purview, and they are able to respond to after-hours calls to verify complaints. Should there be a desire to restrict noise prior to 10:00 p.m. in the zoning ordinance, violations would fall under the purview of the Zoning Administrator, who likely would not be able to respond to after-hours calls to verify complaints.
- **Additional revocation provisions.** At the December 19, 2023 worksession, Town Council expressed interest in allowing a zoning or special use permit to be revoked if there are open violations of property maintenance code and/or other building/safety codes. Recommend adding the following language to Section 6.2.3.A:

- *A zoning permit may be revoked or suspended for the following reasons:*

SHORT-TERM RENTALS

- *Upon multiple violations of state law, County ordinances, or other applicable laws and regulations on three (3) or more occasions within a rolling 12-month period.*
- **Posting of information.** At the December 19, 2023 worksession, Town Council expressed interest in adding additional informational posting requirements to Section 6.2.2.A.g, which currently states:

The owner shall provide an informational packet to each new guest. Review of this information packet is required upon issuance of Zoning Permit. The information must include, but is not limited to:

- i. Maximum occupancy as outlined in Section 6.12 of the UDO*
- ii. Location of off-street parking*
- iii. Code references applicable to noise as outlined in Section 6.12 of the UDO*
- iv. Use restrictions as outlined in applicable Zoning District*
- v. Guidelines for trash storage and removals*
- vi. Evacuation routes in case of fire or emergency*
- vii. Owner or Local property representative information*

Recommend adding local emergency response numbers as well as Town departments for filing complaints or handling emergencies.

APPENDIX A

INDUSTRIAL DISTRICT

- **UDO Section 3.14**
- **Draft Industrial Districts Ordinance**
- **Sample Recommended Definitions**
- **Sample M-1 Modification Ordinance (James City County, VA)**
- **Sample Landscape Modification Ordinance (James City County, VA)**

3.14 Business Park / Limited Industrial (BP/LI) District

3.14.1 Purpose

The primary purpose of this district is to permit certain industries which do not unduly detract from residential desirability, to locate in areas which may be adjacent to residential districts. The limitations on (or provisions relating to) height of building, horsepower, heating, flammable liquids, or explosives, controlling emission of fumes, odors and/or noise, landscaping, and the number of persons employed are imposed to protect and foster adjacent residential desirability while permitting industries to locate near a labor supply. It is intended for those manufacturing industries and related activities in which the production performance of the manufacturing industries characteristically produces a finished product from semi-finished materials, but requires little or no outside material storage. Commercial uses in this district are generally those which serve the convenience of industrial establishments and their employees. Residential uses are not compatible with this environment and are not included in order that the district may be reserved for its intended light industrial purpose.

3.14.2 Density, Intensity and Dimensional Standards

A. BP/LI District Lot Development Standards

Development Element	Standard
Lot Size (minimum)	1 ac.
Front Yard Setback (minimum, from right-of-way)	10'
Side Yard Setback (minimum, from lot line)	20'
Side Yard Setback (minimum, from right-of-way)	20'
Rear Yard Setback (minimum, from lot line)	25'

Development Element	Standard
Rear Yard Setback (minimum, from lot line, if adjacent to residential district)	50'
Frontage (minimum)	200'
Building Height (maximum)	45'
Lot Coverage (maximum)	70%

B. Additional District Standards

1. Before a Zoning Permit shall be issued or construction commenced on any permitted use in this district, or a permit issued for a new use, detailed Site Plans shall be submitted in conformance with this UDO.
2. Sufficient area shall be provided to adequately screen permitted uses from adjacent residential districts, as provided in this UDO.
3. Accessory buildings shall not be taller than the primary building or structure. Chimneys, flues, cooling towers, flagpoles, radio or communication towers or other accessory structures not normally occupied by workers are excluded from this limitation, may be subject to a special use permit and shall be located no closer to the property line than the height of the structure.
4. Parapet walls are permitted up to four feet above the limited height of the building on which the walls rest.
5. Permitted uses shall be conducted wholly within a completely enclosed building or within an area enclosed on all sides by a solid masonry wall, a uniformly painted solid board fence, or evergreen hedge six feet tall.
 - (a) Public utilities and signs requiring natural air circulation, unobstructed view, or other technical consideration necessary for property operation may be exempt from this provision.
 - (b) This exception does not include storing of any material.
6. Fumes, odor, noise, heat, vibration, electronic or radio frequency interference, glare, toxic substances, or other deleterious materials or effects from any use within this district shall be limited so that adjacent uses shall not be unreasonably disturbed. All conditions and activities shall comply with existing environmental laws and regulations. Sufficient detail regarding proposed use shall accompany the Site Plan, to enable the Zoning Administrator to determine if all requirements of this UDO are met.
7. Landscaping may be required within an established or required front setback, side or rear yard. The plans and execution of landscaping shall be done so as to avoid any traffic hazards.
8. Sufficient area shall be provided to adequately screen permitted uses from adjacent business and residential districts, and for off-street parking of vehicles incidental to the industry, its employees and its clients.

3.14.3 BP/LI Use Matrix

Land Use	LBCS Code	BP/LI
GENERAL SALES OR SERVICES	2000	
Lumber yard and building materials	2126	P
Mail order or direct selling establishment	2144	P
Bank, credit union, or savings institution	2210	P
Credit and finance establishment	2220	P
Commercial property-related, mini- or self-storage	2321	SUP
Leasing commercial, industrial machinery and equipment	2334	P
Business, professional, scientific, and technical	2400	P
Professional services	2410	P
Legal services	2411	P
Accounting, tax, bookkeeping, payroll services	2412	P
Architectural, engineering, surveying and related services	2413	P
Graphic, industrial, interior design services	2414	P
Consulting services (management, environmental technical)	2415	P
Scientific research and development services	2416	P
Advertising, media, and photography services	2417	P
Veterinary services	2418	P
Administrative services	2420	P
Office administrative services	2421	P
Facilities support services	2422	P
Employment agency	2423	P
Copy center, private mail center, other business support services	2424	P
Collection agency	2425	P
Travel arrangement and reservation services	2430	P
Services to buildings and dwellings	2450	P
Extermination and pest control	2451	P
Janitorial	2452	P
Landscaping	2453	P
Carpet and upholstery cleaning	2454	P
Food services	2500	P
Full-service restaurant	2510	A
Cafeteria or limited service restaurant	2520	A
Mobile food services	2550	P
Caterer	2560	P
Food service contractor	2570	P
Vending machine operator	2580	P
Linen and uniform supply	2623	P
Photofinishing	2630	P
MANUFACTURING AND WHOLESALE TRADE	3000	
Foods, textiles, and related products	3100	P

Land Use	LBCS Code	BP/LI
Food and beverages	3110	P
Tobacco manufacturing	3120	P
Textiles	3130	P
Leather and leather substitute products	3140	SUP
Wood, paper, and printing products	3200	P
Wood products	3210	P
Paper and printing materials	3220	SUP
Printing and related support activities	3221	P
Furniture and related products	3230	P
Chemicals, and metals, machinery, and electronics manufacturing	3300	SUP
Petroleum products	3310	SUP
Chemicals, plastics, and rubber products	3320	SUP
Nonmetallic mineral products	3330	SUP
Primary metal manufacturing	3340	SUP
Machinery manufacturing	3350	P
Electrical equipment, appliance, and components manufacturing	3360	P
Transportation equipment	3370	P
Miscellaneous manufacturing	3400	P
Jewelry and silverware	3410	P
Dolls, toys, games, and musical instruments	3420	P
Office supplies, inks, etc.	3430	P
Signs	3440	P
Wholesale trade establishment	3500	P
Warehousing and storage services	3600	P
Office and warehousing	3610	P
Warehousing	3620	P
TRANSPORTATION, COMMUNICATION, INFORMATION, AND UTILITIES	4000	
Road, ground passenger, and transit transportation	4130	P
Local transit systems--bus, special needs, and other motor vehicles	4133	P
Non-local and charter bus	4134	P
School and employee bus transportation	4135	P
Taxi and limousine service	4137	P
Towing and other road and ground services	4138	P
Truck and freight transportation services	4140	P
General freight trucking, local	4141	P
General freight trucking, long-distance	4142	P
Courier and messenger services	4160	P
Postal services	4170	P
National post office	4171	

Land Use	LBCS Code	BP/LI
Pipeline transportation	4180	P
Communications and information	4200	P
Publishing	4210	P
Newspapers, books, periodicals, etc.	4211	P
Software publisher	4212	P
Motion picture and video production, publishing, and distribution	4221	P
Sound recording, production, publishing, and	4223	P
Tele-communications and broadcasting	4230	P
Radio and television broadcasting	4231	P
Cable networks and distribution	4232	P
Wireless telecommunications	4233	P
Towers and antennas	4233	P
Telephone and other wired telecommunications	4234	P
Information services and data processing industries	4240	P
Online information services	4241	P
Library or archive	4242	P
News syndicate	4243	P
Utilities and utility services	4300	P
Service distribution lines	4300	P
Electric substations	4300	P
Electric power	4310	P
Natural gas, petroleum, fuels	4320	P
Natural gas service	4329	P
Drinking water	4331	SUP
Water service	4339	P
Wastewater treatment plants	4348	P
Wastewater service	4349	P
ARTS, ENTERTAINMENT, AND RECREATION	5000	
Independent artist, writer, or performer	5160	P
Amusement, sports, or recreation establishment	5300	P
Public recreation facilities	5370	P
Private recreation facilities	5372	P
Natural and other recreational parks	5500	P
EDUCATION, PUBLIC ADMINISTRATION, HEALTH CARE, AND OTHER INSTITUTIONS	6000	
Nursery or preschool	6110	SUP
Adult education services	6126	P
College or university	6130	P
Technical, trade, or other specialty school	6140	P
Beauty schools	6141	P
Business management	6142	P
Other government functions	6300	P

Land Use	LBCS Code	BP/LI
Public safety	6400	P
Fire and rescue	6410	P
Police	6420	P
Emergency response	6430	P
Child daycare	6562	P
CONSTRUCTION-RELATED BUSINESSES	7000	
Building, developing, and general contracting	7100	P
Machinery related	7200	P
Special trade contractor	7300	P
Carpentry, floor, and tile contractor	7310	P
Concrete contractor	7320	P
Electrical contractor	7330	P
Glass and glazing contractor	7340	P
Masonry and drywall contractor	7350	P
Painting and wall covering	7360	P
Plumbing, heating, and air conditioning	7370	P
Roofing, siding, or sheet metal contractor	7380	P
Heavy construction	7400	P
AGRICULTURE, FORESTRY, FISHING, AND HUNTING	9000	
Support functions for agriculture	9200	P
Special events	9910	P
Temporary uses	9920	P
Crematorium		SUP

Chapter 84 – ZONING ORDINANCE

ARTICLE VI. – INDUSTRIAL DISTRICTS

PART 600. – GENERAL

Sec. 84-600.01. - Application

The regulations of this part shall apply to all industrial districts. They shall supplement general regulations provided in Article III.

Sec. 84-600.02. - Accessory Structures

1. Accessory structures shall be permitted in all industrial districts in accordance with the provisions of this section. Such structures shall be located and designed so as to minimize any adverse impact on adjacent properties and roadways.
2. No accessory structure, including any portion of a retaining wall greater than six feet in height, shall be located in any required front setback area or set back from public right-of-way, unless specifically authorized elsewhere in this chapter.
3. No accessory structure shall exceed the height of the principal structure on the lot. Chimneys, flues, cooling towers, flagpoles, radio or communication towers or other accessory structures not normally occupied by workers are excluded from this limitation, may be subject to a special use permit and shall be located no closer to the property line than the height of the structure.

Sec. 84-600.03. – Secondary uses

- (a) When permitted, secondary uses shall meet the requirements of this section as well as any particular standards imposed on such use.
- (b) Except when specifically exempted, the square footage or area occupied by secondary uses cumulatively shall not exceed 25 percent of the gross floor area of the related principal use.

Sec. 84-600.04. - General height regulations

1. Height limitations shall be as specified in each industrial and shall be determined as provided in this section.
2. The Town Council may, by approval of a proffered rezoning or a Special Use Permit application, approve a structure with a height greater than any specific limitation, subject to the following standards:
 - a. For a rezoning application, the maximum height shall be specifically proffered by the applicant and accepted by the Town Council; for a Special Use Permit application, the maximum height shall be made a condition of approval of the application; and
 - b. The Town Council shall be satisfied that approval of a proffer or Special Use Permit is a more appropriate course than a rezoning to a classification permitting the height requested; and
 - c. The Town Council shall be satisfied that the proposed height shall not have a substantial adverse impact on the light and air of adjacent and nearby properties; and
 - d. The Shenandoah County Fire Marshal has certified in writing that the proposed building or other structure can be properly protected, and will not endanger improvements on adjacent properties, in case of fire; and

Draft Strasburg Zoning Ordinance
USES BY ZONING DISTRICT

- e. All other requirements of this chapter for a conditional rezoning or Special Use Permit have been met; and
- 3. Roof structures:
 - a. The height limitations set forth in industrial districts for both public and private buildings shall not apply to flagpoles, chimneys, cupolas and domes not used for human occupancy, sky lights, solar energy devices, spires and belfries, ventilators, elevators, and other necessary mechanical equipment usually located on a roof. Height limitations for antennas and other telecommunications facilities as defined herein are contained in Part 308 of this chapter.
 - b. Mechanical equipment (not including any non-mechanical portions of solar devices) located on a roof shall be hidden by a wall or other similar enclosure extending not more than one foot above the height of such equipment, and designed in harmony with the building.
 - c. Parapet walls may extend up to five feet above the height limit for any industrial district.
 - d. All such structures or features exceeding the normally permitted building height shall require approval by the Zoning Administrator.
- 4. Unless the provisions of this chapter operate to impose a greater standard, any structure above 45 feet in height, excluding telecommunications facilities as defined by this chapter, shall be set back a minimum of 20 feet plus two feet for each foot in height above 45 feet from any property line that abuts a residential or agricultural district, and shall be set back a minimum of 20 feet plus one foot for every foot in height above 45 feet from all other property lines. The Town Council may modify this setback provision as a part of the approval of the rezoning or Special Use Permit, provided any minimum setbacks and yards required elsewhere in the chapter shall be met. Setback requirements for telecommunications facilities as defined herein are contained in Part 308 of this chapter.

Sec. 84-600.05. - General floor area ratio (FAR) regulations

- 1. Floor area ratio (FAR) shall be determined by dividing the gross floor area of all the buildings on a lot by the total area of the lot. The gross floor area shall not include outside balconies, parking structures below or above ground, or open rooftop areas, provided these areas are not converted to usable and/or finished spaces. Gross floor area shall include interior balconies or mezzanine spaces, usable attic and penthouse spaces.
- 2. In calculating the permitted FAR for the site, the total area of the lot shall not be reduced by the area to be dedicated for public street or other public purposes.
- 3. The Town Council may approve a FAR higher than that permitted by right by specifically proffered rezoning or Special Use Permit. In those districts where minimum FARs are specified, the board may approve a FAR lower than that permitted by-right by proffered rezoning or Special Use Permit. When approved as part of a rezoning, the maximum (or minimum) FAR shall be specifically proffered; when approved by Special Use Permit, the maximum (or minimum) FAR shall be made a condition of the permit. Matters to be considered by the Town Council in evaluating such application shall include, but not be limited to, increased buffering and landscaping, unique design features that improve visual impact or minimize shadow (such as stepped building design); general compatibility with surrounding uses; compatibility with surrounding structures (architecturally, materials used, etc); environmental protection or

enhancement on-site; public amenities on-site; off-site transportation improvements; fire and health safety design features (beyond those required by law), or any other design improvement which promotes the health, safety, and general welfare of the workers at the site and the citizens of the Town.

Sec. 84-600.06. - Yard and setback areas

- (a) Required yard and setback areas in industrial districts shall be unoccupied and open to the sky except for accessory structures and uses permitted by this chapter; provided that architectural features including fire escapes may project up to three feet into any required yard or setback area.
- (b) The location of signs shall be governed by Part 303 of this chapter.
- (c) On all corner lots in industrial districts any use, structure, vehicle or planting of such a nature and size that obstructs sight distance at the intersection shall be prohibited. See sight distance standards in the Technical Design Manual.
- (d) Setbacks imposed by any provision of the district regulations imposed in this Article V shall be applied to every building or structure erected within such district except where another section of this chapter specifically provides otherwise.
- (e) Parking lots shall be set back in accordance with the Technical Design Manual.

Sec. 84-600.07. - Site plan requirements, certificate of occupancy, change of use.

- (a) All construction, reconstruction, alteration, and change of use within all industrial districts shall require a site plan in accordance with Article X of this chapter.
- (b) Every application for a certificate of occupancy for the initial occupancy of finished space and for any change in use group shall include a zoning application for the proposed use.
- (c) No land within a industrial district shall be used for any business, activity, establishment or purpose other than that for which it was used on the effective date of this chapter until an updated certificate of occupancy has been issued.

Sec. 84-600.08. – Buffers, screening and landscaping required

In all industrial districts, unless otherwise specifically indicated by this chapter, landscaping or screening, or both, shall be required for all off-street parking, outside storage, storm water management facilities, loading areas, and refuse removal areas, and in all required setback and buffer areas as provided in sections ??? (Article III buffer area standards), et seq., and ??? (Article III landscaping), et seq. Standards for such landscaping and/or screening shall be set forth in section ??? of the Technical Design Manual. All outside storage (where permitted under other provisions of this chapter), loading areas, and refuse removal areas shall be screened from the view of any public street in accordance with the requirements of the Technical Design Manual.

Sec. 84-600.09. – Lighting.

Use of flashing, revolving, or intermittent outdoor lighting shall be prohibited. All outdoor lighting shall conform to the requirements of Part 313 of this Chapter.

Sec. 84-600.10. – Litter control.

- (a) Notwithstanding any other provision of this chapter, it shall be unlawful for the owner or occupant of any property zoned for any industrial use and actually used for such purposes to cause or permit the accumulation on such property of any trash, refuse, garbage or litter, as those terms are defined in Article I of this Code, except in appropriate containers as set forth herein.
- (b) The owner or occupant of any properties described in subsection (1) hereof shall place on his property or properties a sufficient number of receptacles acceptable to the health department, suitable, and to be used, for holding all trash, litter; refuse and garbage generated on the property or properties until such time as it may be properly disposed of in a lawful manner and place.
- (c) Keeping or maintaining a dump heap, as defined herein, shall be prohibited on property in all industrial districts.

Sec. 84-600.11. – Outdoor storage.

Outside storage of material and equipment shall be permitted within any industrial district provided the following standards are met:

- (a) The outside storage area shall be designated on an approved site plan;
- (b) The outside storage area will not encroach onto any required off-street parking space or aisleway, required open space, or emergency access travelway;
- (c) The outside storage area will be screened in accordance with Section ??? of the Technical Design Manual;
- (d) The outside storage area will not be utilized for merchandise display or "sidewalk sales".

Sec. 84-600.12. – Storage of trucks prohibited in industrial districts

- (a) Except as permitted by Chapter 82 the Town Code and unless essential to the nature of the use, such as industrial parking, or otherwise permitted in this chapter, the storage of the following industrial vehicles shall be prohibited in all industrial districts, except when actively engaged in loading or unloading operations:
 - 1. Box trucks.
 - 2. Cement trucks.
 - 3. Construction equipment.
 - 4. Dump trucks.
 - 5. Flat bed trucks.
 - 6. Garbage, refuse or recycling trucks.
 - 7. Passenger buses (excluding school buses).
 - 8. Stake bed trucks.
 - 9. Step vans.
 - 10. Tow trucks.
 - 11. Tractors or trailers of a tractor-trailer truck.

Sec. 84-600.13. - General provisions for equipment storage accessory to a contractor or tradesman's shop.

Where permitted, equipment storage facilities accessory only to a contractor or tradesman's shop shall meet the following standards:

- (a) Outdoor storage of motorized vehicles shall be limited to company vehicles. When equipment other than or in addition to company vehicles is stored, the storage area shall be located at the rear or side of the principal structure.
- (b) Outside storage shall be limited to 20 percent of the lot area.
- (c) Storage of refuse, waste, junk or inoperative motor vehicles or the accumulation of inoperative equipment shall be prohibited.
- (d) The storage area shall meet all setback requirements applicable to principal buildings and shall be screened in accordance with the Technical Design Manual.

Sec. 84-600.14. – Parking areas.

Off-site parking, as defined in Part 100 of this Chapter, may be located on adjacent or abutting lots within any industrial district or public or institutional facilities in accordance with the following standards:

- 1. The parking area shall be constructed in accordance with all applicable sections of the zoning ordinance and the Technical Design Manual. A site plan pursuant to Article X of this chapter shall be required.
- 2. Adequate outdoor lighting shall be provided in all parking areas and travelways, including any pedestrian travelway(s) accessing the parking area, pursuant to section 84-600.09.
- 3. When the parking is located on a contiguous lot under the same ownership, a subdivision plat shall be approved and recorded eliminating the common, internal lot line(s).
- 4. Where the adjacent or abutting lot used for the parking is under separate ownership, permanent easements and/or agreements shall be required which provide for joint use and maintenance of parking areas and travelways by all owners, occupants and patrons of the properties. Such easements or agreements shall be noted on approved subdivision and site plans. The easements or agreements shall be approved by the Zoning Administrator and the Town Attorney's office, and shall not be changed without such prior approval.
- 5. The parking spaces must be in addition to the minimum number of parking spaces required for any existing or proposed use on the parcel on which the parking is located.

PART 601. - M-1 INDUSTRIAL HEAVY (currently BP/LI inside business park)

Sec. 84-601.01. - Uses permitted by right

The following uses are by-right within the M-1 zoning district.

- 1. Brewery and bottling facility.
- 2. Business school.
- 3. Business Support services.
- 4. Catering, commercial.
- 5. Cold storage facility.
- 6. Computer and network services.
- 7. Contractor or tradesman office.
- 8. Contractor or tradesman's shop (limited).

9. Crematory, crematorium.
10. Distillery.
11. Distribution and fulfillment center.
12. Donated materials collection center.
13. Dry Cleaning, processing.
14. Industry, light.
15. Janitorial service.
16. Laboratory.
17. Medical or dental laboratory.
18. Motor vehicle repair shop (limited).
19. Motor vehicle repair shop (unlimited).
20. Pharmaceutical product manufacturing.
21. Research and development.
22. Trade, technical, and vocational school.
23. Veterinary hospital/clinic.
24. Warehousing.
25. Wholesaling.

Sec. 84-601.02. - Secondary uses

The following uses shall be permitted by right in the M-1 district only in conjunction with a permitted principal use, as specifically identified below, existing or proposed:

1. Amateur radio tower
2. Retail sales.

Sec. 84-601.03. - Special uses

The following uses shall be permitted in the M-1 district on existing lots of any size with a Special Use Permit:

1. Asphalt plant.
2. Construction sales and service.
3. Contractor or tradesman's shop (unlimited).
4. Contractor yard.
5. Data center.
6. Equipment and material storage.
7. Equipment sales and rental, light.
8. Equipment sales and rental, heavy.
9. Industry, heavy.
10. Industry, medium.
11. Kennel, commercial.
12. Landscaping service.
13. Meat packing and related industries.
14. Motor vehicle, company vehicle service facility.
15. Office.
16. Propane fuel sales.

17. Range, shooting – indoor.
18. Sawmill.
19. School of special instruction.
20. School of special instruction.
21. Self-storage center.
22. Small wind-driven energy system.
23. Solar energy facility.
24. Taxi or limousine operations.
25. Testing and experimental laboratories (HAZMAT).
26. Truck terminal.
27. Utility service, major.
28. Utility service, minor.

Sec. 84-601.04. - M-1 Development Standards

1. The minimum lot size shall be 1 acre.
2. The minimum road frontage shall be 200 feet. Frontage shall be maintained to the minimum required front yard setback.
3. The maximum lot coverage shall be 70%
4. The maximum building heights for all structures shall be 45 feet.

Sec. 84-601.05. - M-1 Setbacks

1. The minimum front yard and right-of-way setback is 50 feet.
2. The minimum side yard setback is 20 feet.
3. The minimum rear yard setback shall be 25 feet.
4. The minimum setback of accessory structures to the side and rear property line shall be 5 feet.

PART 602. - M-2 LIGHT (currently BP/LI outside business park)

Sec. 84-602.01. – M-2 Uses permitted by right

The following uses are by-right within the M-BP zoning district.

1. Business school.
2. Business Support services.
3. Carpet or flooring retail sales.
4. Catering, commercial.
5. Computer and network services.
6. Construction sales and service.
7. Crematory, crematorium.
8. Donated materials collection center.
9. Event center.
10. Funeral services.
11. Gunsmith.
12. Medical or dental laboratory.
13. Office.
14. Research and development.

15. School of special instruction.
16. Taxi or limousine dispatching service.
17. Veterinary hospital/clinic.

Sec. 84-602.02. - M-2 Secondary uses

The following uses shall be permitted by right in the M-BP district only in conjunction with a permitted principal use, as specifically identified below, existing or proposed:

1. Retail sales

Sec. 84-602.03. - M-2 Special uses

The following uses shall be permitted in the M-BP district on existing lots of any size with a Special Use Permit:

1. Contractor or tradesman office.
2. Contractor or tradesman's shop (limited).
3. Dry Cleaning, processing.
4. Equipment sales and rental, light.
5. Home improvement center.
6. Industry, light.
7. Janitorial service.
8. Kennel, commercial.
9. Landscaping service.
10. Motor vehicle service (light).
11. Taxi or limousine operations.
12. Trade, technical, and vocational school.

Sec. 84-602.04. - M-2 Development Standards

1. The minimum lot size shall be 1 acre.
2. The minimum road frontage shall be 200 feet. Frontage shall be maintained to the minimum required front yard setback.
3. The maximum lot coverage shall be 70%
4. The maximum building heights for all structures shall be 45 feet.

Sec. 84-602.05. - M-2 Setbacks

1. The minimum front yard and right-of-way setback is 50 feet.
2. The minimum side yard setback is 20 feet.
3. The minimum rear yard setback shall be 25 feet.
4. The minimum setback of accessory structures to the side and rear property line shall be 5 feet.

Sample Definitions

Dairy Processing. Establishments primarily engaged in the processing, bottling, and distribution of milk and other liquid dairy products. Uses may include, but are not limited to, creameries, dairies, and milk producers.

Industry, heavy. The processing and/or converting of raw, unfinished material and/or products into articles or substances of a different character or for use for a different purpose where uses do have significant external effects, or which pose significant risks due to the involvement of explosives, radioactive materials, poisons, pesticides, herbicides, or other hazardous materials in manufacturing or other processes. Uses may include, but are not limited to, food processing, meatpacking.

Industry, medium. The processing and/or converting of raw, unfinished material and/or products into articles or substances of a different character or for use for a different purpose where uses do not have significant external effects which pose significant risk. Uses may include, but are not limited to, Breweries, Bottling facilities, Distilleries.

Industry, light. Uses primarily engaged in the on-site manufacture of goods by hand manufacturing, assembly, packaging or fabrication of materials and products within enclosed structures without significant external effects such as smoke, noise, soot, vibration, odor, and the like. Manufactured products may include, but are not limited to, electronic equipment, ceramic products, business machines, musical instruments, furniture, medical appliances, tools or hardware, any other products of a similar nature. Retail sales may be incidental to the light industrial use.

Industry, small-scale. An establishment where shared or individual tools, equipment, or machinery are used to make products on a small scale, including the design, production, processing, printing, assembly, treatment, testing, repair, and packaging, as well as any incidental storage, retail or wholesale sales and distribution of such products. Typical small-scale production establishments include, but are not limited to the making of electronics, food products, non-alcoholic beverages, prints, household appliances, leather products, jewelry and clothing/apparel, metal work, furniture, glass, ceramic or paper, together with accessory uses such as training or educational programs.

Mixed-use structure. A building or development that contains a variety of complementary and integrated uses, including but not limited to residential, office, research & development, production, retail, public, entertainment, conference and lodging uses arranged in a compact urban form.

Warehousing and distribution. Uses including storage, warehousing, and dispatching of goods within enclosed structures. Typical uses include wholesale distributors, storage warehouses, and moving/storage firm.

Sec. 24-413. Area requirements and minimum lot width.

- (a) Minimum lot size shall be 10,000 square feet.
- (b) Minimum width of lots shall be 75 feet at the setback line.

(Ord. No. 31A-88, §§ 20-89, 204-89.1, 4-8-85; Ord. No. 31A-144, 6-1-92; Ord. No. 31A-263, 1-10-12)

Sec. 24-414. Setback requirements.

- (a) Structures shall be located 50 feet or more from any street right-of-way which is 50 feet or greater in width. Where the street right-of-way is less than 50 feet in width, structures shall be located 75 feet or more from the center line of the street. The minimum setback of any portion of a structure which is in excess of 35 feet in height shall be increased one foot for each two feet of the structure's height in excess of 35 feet.
- (b) The minimum setback shall also be increased to a minimum of 75 feet from any street with a right-of-way 50 feet or greater in width and 100 feet from any street with a right-of-way of less than 50 feet of width when the property immediately across the street is zoned residential. The minimum setback of any portion of a structure across the street from property zoned residential which is in excess of 35 feet in height shall be increased one foot for each two feet of the structure's height in excess of 35 feet.
- (c) Setbacks for commercial uses may be reduced to 25 feet from any street right-of-way which is 50 feet or greater in width or 50 feet from the centerline of the street where the street right-of-way is less than 50 feet in width with approval of the planning director.

A site shall not be considered for a setback reduction if it is located on a planned road that is designated for widening improvements. A planned road includes any road or similar transportation facility as designated on the Comprehensive Plan, Six-Year Primary or Secondary Road Plan, Peninsula Area Transportation Plan or any road plan adopted by the board of supervisors. The planning director will consider a setback reduction only if the setback reduction will achieve results which clearly satisfy the overall purposes and intent of section 24-86 (Landscaping and Tree Preservation Requirements); if the setbacks do not negatively impact adjacent property owners; and if one or more of the following criteria are met:

- (1) The site is located on a Community Character Corridor or is designated a Community Character Area on the Comprehensive Plan Land Use Map, and proposed setbacks will better complement the design standards of the Community Character Corridor.
- (2) The adjacent properties have setbacks that are non-conforming with this section, and the proposed setbacks will better complement the established setbacks of adjacent properties, where such setbacks help achieve the goals and objectives of the Comprehensive Plan.
- (3) The applicant has offered site design which meets or exceeds the Development Standards of the Comprehensive Plan.
- (d) In areas where the board of supervisors has adopted specific design guidelines that call for reduction of setbacks in excess of those permitted in sub-section (c), the planning director can approve reductions upon finding substantial conformance with recommendations from the guidelines and compliance with the criteria from sub-section (c) above.
- (e) *Appeals.* In the event the planning director disapproves plans submitted under the provisions of this section or recommends conditions or modifications which are unacceptable to the applicant, the applicant may appeal the decision of the planning director to the development review committee who shall forward a recommendation to the planning commission.

(Ord. No. 31A-88, § 20-90, 4-8-85; Ord. No. 31A-144, 6-1-92; Ord. No. 31A-241, 6-9-09; Ord. No. 31A-263, 1-10-12)

Sec. 24-415. Yard requirements.

- (a) Structures shall be located 20 feet or more from side or rear property lines. The side and rear yards for any section of a structure in excess of 35 feet in height shall be increased one foot for each two feet of height in excess of 35 feet.
- (b) The minimum side yard shall be increased to 75 feet if the side yard adjoins property in a residential district, or an agricultural district that is designated for residential use on the Comprehensive Plan. The minimum rear yard shall be increased to 75 feet if the rear yard adjoins property in a residential district or an agricultural district that is designated for residential use on the Comprehensive Plan. The minimum side and rear yards for any section of a structure in excess of 35 feet in height shall be increased one foot for each two feet of height in excess of 35 feet.
- (c) Accessory structures may be located within the required side or rear yards upon approval of the planning director; provided, however, that no structure shall be located within ten feet of any property line.
- (d) *Appeals.* In the event the planning director disapproves plans submitted under the provisions of this section or recommends conditions or modifications which are unacceptable to the applicant, the applicant may appeal the decision of the planning director to the development review committee who shall forward a recommendation to the planning commission.

(Ord. No. 31A-88, § 20-90.1, 4-8-85; Ord. No. 31A-100, 4-6-87; Ord. No. 31A-112, 2-6-89; Ord. No. 31A-123, 7-2-90; Ord. No. 31A-144, 6-1-92; Ord. No. 31A-177, 8-18-98; Ord. No. 31A-263, 1-10-12)

Sec. 24-417. Special provisions for the waiver of area, lot width, yard and yard setback requirements.

The following may be eligible for a waiver from any part of section 24-413 through 24-415:

The subdivision of business/industrial property on which business and industrial units for sale, for sale in condominium, or for lease are both:

- (a) Constructed as part of a multiunit structure in which the units share common walls or as part of a multiple-structure commercial development; and
- (b) The entire development has been planned and designed as a comprehensive coordinated unit under a single master plan which has been legislatively approved by the board of supervisors.

In these instances, the planning director may grant, at his discretion, a waiver from any part of section 24-413 through 24-415 upon finding:

- (1) The overall complex or structure, if considered as a single unit, meets all of the requirements of section 24-413 through 24-415;
- (2) Adequate parking is provided as per the requirements of this chapter. The planning director also may require recordation of adequate easements or other agreements to guarantee access and maintenance of the parking areas and other common areas;
- (3) Adequate provisions are made to assure compliance with the requirements of this chapter with regards to signs. The planning commission also may require the recordation of adequate easements or agreements to allow grouping of signs on one standard sign, placement of signs in common areas or other appropriate arrangements made necessary as a result of the reduced frontage or yard area of the individual units; and
- (4) The complex or structure is adequately designed and serviced from the standpoint of safety. The county fire chief finds that the fire safety equipment to be installed is adequately designed, and the

county building official finds that the complex is designed to conform to the Uniform Statewide Building Code, so as to offer adequate protection to life and property.

- (5) *Appeals.* In the event the planning director disapproves plans submitted under the provisions of this section or recommends conditions or modifications which are unacceptable to the applicant, the applicant may appeal the decision of the planning director to the development review committee who shall forward a recommendation to the planning commission.

(Ord. No. 31A-88, § 20-90.3, 4-8-85; Ord. No. 31A-123, 7-2-90; Ord. No. 31A-144, 6-1-92; Ord. No. 31A-177, 8-18-98; Ord. No. 31A-263, 1-10-12)

Sec. 24-91. Modification, substitution, transfer.

Generally the need for any modification, substitution or transfer shall be demonstrated by the applicant. Nothing in this section shall act to circumvent the landscape standards and purposes set forth in this division. Modifications, substitutions and transfers are intended to provide more flexibility in specific limited instances as more particularly described below.

- (a) *Cases for modifications.* Modifications may be requested when an adjustment to planting mixtures or densities are needed. Planting density may be modified by proposing plants that are larger than minimum ordinance standards for plant size in exchange for a reduction in quantity when it can be demonstrated that due to site constraints planting to ordinance requirements will result in overplanting and where a transfer of plant materials cannot accomplish the same intent as described in the modification request. Applicants may propose a minimum 25 percent increase in plant size for a maximum 25 percent reduction in required plant quantity. Planting mixtures may be adjusted to provide more screening, complement surrounding areas, or to implement a planting theme.
- (b) *Cases for substitution.* Substitutions of plant materials may be considered if it can be demonstrated that the substitution is warranted and is equal to or greater than the standard requirement.
- (c) *Cases for transfer.* Transfers may be requested when it can be demonstrated that the transferred plant materials serve to provide a greater public benefit than the standard requirements would provide.
- (d) *All modifications, substitutions, or transfer requests* shall be designed to mitigate existing site constraints or meet the conditions listed below:
 - (1) The proposed landscape plan, by substitution of technique, design or materials of comparable quality, but differing from those required by this section, will achieve results which clearly satisfy the overall purposes of this division in a manner clearly equal to or exceeding the desired effects of the requirements of this division;
 - (2) The proposed landscape plan substantially preserves, enhances, integrates and complements existing trees and topography;
 - (3) Where, because of unusual size, topography, shape or location of the property or other unusual conditions, strict application of the requirements of this division would result in significant degradation of the site or adjacent properties;
 - (4) Where existing easements present site constraints in which this division would result in overcrowding of landscape plant materials;
 - (5) Where, because of narrow parcels, unusually shaped lots, or sloping topography, strict application of the landscape standards of this division would result in overcrowding of landscape plant materials;
 - (6) The proposed landscape design or materials involve a readily discernible theme, historic or otherwise, or complements an architectural style or design;
 - (7) Where it is necessary to allow the subdivision of property on which commercial or industrial units will be for sale, for sale in condominium or for lease, and such units are constructed as part of a multiunit structure in which the units share common walls or are part of a multiple-structure development, and the entire development has been planned and designed as a cohesive, coordinated unit under a single master plan; or
 - (8) Where transfers of required landscape areas to other areas on a site are necessary to satisfy other purposes of this division, including transfers to increase screening or preserve existing trees, provided such transfers do not reduce overall landscape requirements for a development.
- (e) *Process for requesting modifications, substitutions, or transfers.* Requests for modifications, substitutions or transfers shall be filed in writing with the planning director at the time of plan submittal and shall identify the specific requirement of this section and the reasons and justifications for such request together with the

proposed alternative. Depending upon whether the landscape plan is subject to commission or administrative review, the commission or planning director shall approve, deny, conditionally approve or defer action on such request and shall include a written statement certifying the above findings. The commission or planning director may require the applicant to provide plans, documentation or other materials to substantiate these findings.

In the case of approvals or conditional approvals, this statement shall include a finding as to the public purpose served by such recommendations, particularly in regard to the purposes of this division. The planning director shall notify the applicant in writing as to the reasons for such action within 30 days of submittal of administrative plans meeting all applicable submittal criteria or within five working days of such decision by the commission.

- (f) *Findings for acceptance of modifications, substitutions, or transfers.* The commission or planning director may modify, permit substitutions for any requirement of this division, or permit transfer of required landscaping on a site upon finding that:
- (1) Such requirement would not promote the intent of this division;
 - (2) The proposed site and landscape plan shall satisfy the intent of this division and its landscape area requirements to at least an equivalent degree as compared to a plan that strictly complies with the minimum requirements of this division;
 - (3) The proposed site and landscape plan shall not reduce the total amount of landscape area or will not reduce the overall landscape effects of the requirements of this division as compared to a plan that strictly complies with the minimum requirements of this division;
 - (4) Such modification, substitution or transfer shall have no additional adverse impact on adjacent properties or public areas; and
 - (5) The proposed site and landscape plan, as compared to a plan that strictly complies with the minimum requirements of this division, shall have no additional detrimental impacts on the orderly development or character of the area, adjacent properties, the environment, sound engineering or planning practice, Comprehensive Plan, or on achievement of the purposes of this division.

(Ord. No. 31A-88, § 20-12.2, 4-8-85; Ord. No. 31A-123, 7-2-90; Ord. No. 31A-125, 8-20-90; Ord. No. 31A-145, 7-6-92; Ord. No. 31A-168, 5-14-96; Ord. No. 31A-200, 7-13-99; Ord. No. 31A-253, 11-22-11; Ord. No. 31A-288, 4-9-13)

APPENDIX B

ACCESSORY DWELLING UNITS & TINY HOMES

- **UDO Section 6.1**
- **Model ADU Ordinance (Rockingham, NH)**
- **Sample ADU Ordinance (James City County, VA)**
- **Cottage Court Ordinance (Georgia)**
- **Cottage Court Ordinance (Manassas, VA)**

CHAPTER 6. REGULATION OF SPECIFIC USES

6.1 Accessory Dwellings

6.1.1 Purpose

Accessory dwelling units may be allowed in certain situations to provide a mix of housing that responds to changing family needs and smaller households and provide a means for residents, particularly seniors, single parents and families with grown children, to remain in their homes, and obtain security, companionship and services.

6.1.2 Prohibited

Conversion of an accessory dwelling unit to a rental unit is strictly prohibited.

6.1.3 Standards

An accessory dwelling is allowed incidental to a primary dwelling unit and on the same lot as the primary dwelling unit subject to the following conditions:

- A. The primary dwelling unit is owner-occupied.
- B. The accessory dwelling unit may be a temporary use.
- C. An accessory structure may be converted or constructed as a temporary accessory dwelling unit in any agricultural or residential zoned district.
- D. The living area of such building shall not exceed 60% of the floor area of the main building or principal residence.
- E. The owner of the principal building or lot shall be the occupant of the principal dwelling or of the accessory dwelling unit at all times.
- F. Accessory dwelling units shall be limited to one (1) per primary dwelling unit, but no more than one per lot.
- G. Accessory dwellings shall be consistent with the look and scale of adjacent dwellings and development patterns.

6.1.4 Dual Use

- A. If an accessory building has dual uses, the living area shall be equal to the floor area of the entire building unless:
 - 1. The non-residential portion of the building shall be accessible without going through the residential portion; and
 - 2. The residential portion of the building shall be accessible without going through the non-residential portion; and
 - 3. The residential portion of the building shall be physically separated from the non-residential portion by means of a doorway which may be locked by the occupants of the residential portion.
 - 4. If there are common areas, this requirement may be waived by the Zoning Administrator as to the common area, but such areas shall be considered to be part of the residential portion.

- B. For dual-use accessory buildings which meet these requirements, the living area shall be the floor area of the residential portion.

6.1.5 Prior Approval Required

Prior to construction of a dual-use accessory building, conversion of an existing building to dual-use or establishment of an accessory dwelling, the landowner shall submit detailed plans and an application for a Special Use Permit to the Zoning Administrator. If the owner fails to submit such plans or deviates from such plans in the construction or conversion of the building, the entire building shall be treated as residential.

6.2 Bed and Breakfast Establishments

Bed and breakfast establishments shall be subject to the following requirements:

- A. Permitted only in single-family dwellings.
- B. A maximum of five guestrooms, with a maximum occupancy of 15 persons.
- C. Food service shall be limited to the breakfast meal and shall be available only to guests and not to the general public in any residential district.
- D. No receptions, private parties, etc., for fee shall be permitted.
- E. Any amenities such as tennis court, swimming pool, etc., shall be solely for the use of the resident owner and guests of the facility.
- F. Applicable provisions of the Uniform Statewide Building Code shall be met.
- G. Issuance of operator permit from the department of health is required.
- H. The maximum length of stay for each guest shall be five days.
- I. The owners or a representative of the owner of a bed and breakfast facility shall be in residence when guests are present.
- J. A Bed and Breakfast shall have vehicular access to a collector or arterial street.
- K. One off street parking space shall be provided for each guest room.

6.3 Design Standards for Commercial and Industrial Buildings

6.3.1 Applicability

- A. The commercial building design standards of this Section are applicable to the new development and redevelopment of all commercial and industrial structures.
- B. The standards may be modified pursuant to development Plan or Site Plan approval to accommodate site constraints or other unique site development challenges. These commercial building design standards apply in a variety of settings, and the Town shall apply discretion to modify standards where the character and function of a site and neighboring development justify such modifications.
- C. For purposes of this Section, redevelopment does not include any project that is considered routine maintenance, such as painting, re-roofing or replacement or repair of existing doors, windows, trim or existing

ACCESSORY DWELLING UNIT MODEL ORDINANCE

I. Authority

This section is enacted in accordance with the provisions of RSA 674:71 – 73 and RSA 674:21.

II. Purpose

The purposes of the accessory dwelling unit ordinance are to:

- (a) Increase the supply of affordable housing without the need for more infrastructure or further land development.
- (b) Provide flexible housing options for residents and their families.
- (c) Integrate affordable housing into the community with minimal negative impact.
- (d) Provide elderly citizens with the opportunity to retain their homes and age in place.

III. Definition

An “accessory dwelling unit” means a residential living unit that is within or attached to a single-family dwelling [OPTIONAL: or is located in a detached structure] and that provides independent living facilities for one or more persons, including provisions for sleeping, eating, cooking, and sanitation on the same parcel of land as the principal dwelling unit it accompanies.

IV. Conditional Use Permit Required

Pursuant to RSA 674:21 the Planning Board is hereby authorized to grant a Conditional Use Permit to allow for accessory dwelling units in accordance with the restrictions and requirements of this section.

EXPLANATION

RSA 674:71-7341 is the new statutory reference for accessory dwelling units (ADU) and RSA 674:21 Innovative Land Use Controls is the statutory reference for administering conditional use permits.

These purposes are based on the purposes from the State law. The municipality may add additional purposes as desired.

An ADU may be deemed a unit of workforce housing for purposes of satisfying the municipality’s obligation under RSA 674:59 if the unit meets the criteria in RSA 674:58, IV for rental units.

This is the State definition for an ADU. Because the State law allows the use of detached structures for an accessory dwelling unit, the ordinance definition should be expanded to state such, if a municipality wishes to allow accessory dwelling units in or as detached structures.

Accessory Dwelling units can be permitted by right, as: 1) a Conditional Use Permit by the Planning Board (appeal to Superior Court); 2) a Special Exception by the Zoning Board of Adjustment (appeal to the ZBA); or 3) a building permit approved and issued by the Building Inspector. This model recommends approval as a Conditional Use Permit by the Planning Board. If a municipality uses the Conditional Use Permit or Special Exception process items in section IV, (a)-(g) are recommended as criteria for approval of an ADU application.

V. Criteria for Approval

All of the following criteria must be met in order for the zoning board/planning board/building inspector to approve the construction of an accessory dwelling unit:

- (a) A maximum of one (1) accessory dwelling unit may be permitted on property located in zoning districts that allow single-family dwellings and must be located within or attached to the principal single family dwelling unit [OPTIONAL: or be located in a detached structure on the property].
- (b) An interior door shall be provided between the principal dwelling unit and the accessory dwelling unit. The accessory dwelling shall have an independent means of ingress and egress.
- (c) All municipal regulations applicable to single-family dwellings shall also apply to the combination of a principal dwelling unit and an accessory dwelling unit including, but not limited to, lot and building dimensional requirements. A minimum of two parking spaces shall be provided for the accessory dwelling unit.
- (d) The applicant for a conditional use permit shall demonstrate adequate provisions for water supply and sewage disposal for the accessory and primary dwelling units in accordance with RSA 485-A:38. Water and wastewater systems for the principal and accessory dwelling units may be combined or separate.
- (e) Either the principal dwelling unit or the accessory dwelling unit must be owner occupied. The owner must demonstrate that one of the units is their principal place of residence and legal domicile. Both the primary dwelling unit and the accessory dwelling unit must remain in common ownership.
- (f) Accessory dwelling units shall maintain an aesthetic continuity with the principal dwelling unit as a single-family dwelling.

Provision (a) in State law indicates clearly that an accessory unit is expected to have a direct physical connection to the original single family unit. A local ordinance can offer some flexibility (i.e., connection through a breezeway) but the combined structures are intended to maintain the appearance of a single family dwelling.

OPTIONAL: include a definition of "attached". Example: An attached accessory dwelling unit shall be connected to the principal dwelling unit by a shared wall or roofed and enclosed structure with doors to both units.

A municipality may require an applicant to upgrade an existing septic system so that the existing system is designed and constructed to provide the septic capacity required for the total number of bedrooms on site after the ADU has been constructed.

*A municipality **may not** require a familial relationship between the occupants of an ADU and the occupants of a principal dwelling unit. Both units must be in common ownership.*

In considering detached ADUs, municipalities are required to determine if such uses are appropriate for their community. This model encourages the use of detached structures but

- (g) An accessory dwelling unit size may not be restricted to less than 750 square feet.
- (h) [OPTIONAL]: Detached Accessory Dwelling Units. Detached accessory dwelling units are permitted. Detached accessory dwelling units shall require that the lot be 20 percent larger than the minimum lot size required in the residential zone it is proposed.}

requires additional lot size and prohibits more than one ADU per single family lot.

Provision (g) allows the municipality to prepare regulations outlining the aesthetic values necessary to comply with this section. The municipality can also mandate maximum and minimum unit sizes as long as the minimum is no less than 750 square feet. (Note: This does not mean an applicant cannot build an ADU smaller than 750 sq. feet, but the municipality cannot require it to be smaller.) A common requirement is to limit the accessory unit to no larger than one-third the size of the combined square footage of living space in the principal dwelling unit and proposed accessory dwelling unit.

- (i) The accessory dwelling unit shall have no more than 2 bedrooms.

State law prohibits a municipality from limiting ADUs to less than two bedrooms. However, an applicant may propose a one bedroom ADU. This model advocates no more than two (2) bedrooms. The municipality should choose a number of bedrooms that emphasizes the new unit is secondary to the primary dwelling unit on site.

VI. Occupancy Permit Required

Prior to occupancy of the accessory dwelling unit, the homeowner shall obtain an occupancy permit from the Building Inspector.

Note on Application Requirements: A municipality may wish to specify submission requirements for ADU applications, perhaps creating a new application form with a checklist of items, and add a note to their ordinance referencing that completion of such an application is required.

Sec. 24-32. Special requirements for accessory apartments.

- (a) Attached accessory apartments shall comply with the following requirements:
 - (1) Only one accessory apartment shall be created within a single-family dwelling.
 - (2) The accessory apartment shall be designed so that the appearance of the building remains that of a single-family residence. New entrances shall be located on the side or rear of the building and the apartment may not occupy more than 35 percent of the floor area of the dwelling.
 - (3) For purposes of location and design, the accessory apartment is part of the main structure and shall meet all setback, yard and height regulations applicable to main structures in the zoning district in which it is located.
 - (4) Off-street parking shall be required in accordance with section 24-54 of this chapter.
- (b) Detached, accessory apartments, where approved, shall comply with the following requirements:
 - (1) Only one accessory apartment shall be created per lot.
 - (2) The accessory apartment may not occupy more than 50 percent of the floor area of the accessory structure and shall meet all setback, yard, and height regulations applicable to accessory structures in the zoning district in which it is located.
 - (3) The accessory apartment shall not exceed 400 square feet in size and shall meet all setback, yard, and height regulations applicable to accessory structures in the zoning district in which it is located.
 - (4) The property owner or an immediate family member as defined in section 19-17 of the subdivision ordinance shall reside in either the single-family dwelling or the accessory apartment.
 - (5) Approval from the health department shall be required where the property is served by an individual well and/or sewer disposal system.
 - (6) The accessory structure shall be so designed such that the size and scale of the structure is compatible with surrounding structures.
 - (7) Off-street parking shall be required in accordance with section 24-54 of this chapter.

(Ord. No. 31A-88, § 20-27.4, 4-8-85; Ord. No. 31A-293, 8-12-14)

SOUTHERN GEORGIA REGIONAL COMMISSION**MODEL ORDINANCE
FOR THE DEVELOPMENT OF TINY HOUSES
IN A COTTAGE DEVELOPMENT****RESOLUTION****ORDINANCE No. _____
PROVIDING REGULATIONS FOR TINY HOUSES
IN A COTTAGE DEVELOPMENT**

WHEREAS, [local government] is permitted by Georgia state law to exercise zoning powers, pursuant to Title 36, Chapter 66, Official Code of Georgia Annotated, as amended;

NOW, THEREFORE, BE IT ORDAINED that the [Mayor and Council/Board of County Commissioners] of [local government], hereby adopts the following provisions:

**Chapter/Article/Division _____
TINY HOUSES IN A COTTAGE DEVELOPMENT****1. Purpose**

An ordinance of [local government], providing definitions relating to tiny houses and standards to guide the development of tiny houses in cottage developments to protect the public health, safety, and welfare and avoid unintended impacts on resources and adjacent uses.

By enacting this ordinance, it is the intent of [local government] to:

1. Provide for single-family detached residences with a smaller square footage floor plan to be permitted in a clustered development of similar tiny/cottage dwellings oriented around open space that is pedestrian-oriented and minimizes that visibility of off-street parking.

2. Enable the development of tiny house/cottage dwelling developments, to the extent possible, in areas where any potential adverse effects on the community will be minimized.
3. Encourage the utilization of established public infrastructure for the development of tiny house/cottage dwelling developments and discourage the expansion of public infrastructure to avoid the concomitant additional cost of new development in undeveloped areas.
4. Tiny house/cottage dwelling developments may permit higher residential density than is allowed by the underlying zoning district, at the discretion of the local government.

2. Definitions

Tiny House (also known as Micro House). A single-family home, 400 square feet or less, excluding lofts; which is subject to zoning requirements.

Residential Modular Building. A dwelling unit designed and constructed to comply with the Georgia State Residential Code.

Site-Built Residential Dwelling (Stick-Built). Residential buildings or structures that are built on the construction site and not designed or intended to be moved or relocated. Site-Built dwellings shall meet the following codes: International Residential Code (IRC), with Georgia Amendments; International Plumbing Codes (IPC), with Georgia Amendments; International Energy Efficiency Code (IECC) with Georgia Amendments; and the National Electrical Code (NEC).

Tiny House on Wheels (THOW). A manufactured mobile home which is intended as a full-time residence or year-round rental property and meets standards required by HUD.

Tiny House/Cottage Dwelling Development: A planned neighborhood of a minimum of 4 tiny homes and a maximum of 12 tiny homes.

3. Applicability

- 3.1. This ordinance shall apply to all tiny house/cottage dwelling developments installed, constructed, or modified after the effective date of this Ordinance.
- 3.2. Tiny house/cottage dwelling developments in place before the effective date of this ordinance shall not be required to meet the requirements of this ordinance unless replacement, alteration, or expansion of home thereon is requested.
- 3.3. All tiny houses shall be designed, erected, and installed following all applicable local, State, and Federal codes, regulations, and standards.

4. Standards for Tiny House/Cottage Dwelling Developments

- 4.1 A centralized common area shall be required of each development. The common area shall include usable public use spaces including lawns, gardens, and/or plazas. These areas shall be for the use of residents of the tiny house/cottage dwelling development.
- 4.2 Each dwelling unit shall be provided an area of private open space. The private open space shall contain a minimum of 200 square feet of usable space and shall be separated from the common open space with a small hedge, picket fence, or other similar visual separation.
- 4.3 All homes must have both front and rear porches.
- 4.4 Common areas are to be maintained through the establishment of either a condo or homeowners association. Before approval is granted, the applicant shall submit covenants, deeds and homeowners' association bylaws and other documents guaranteeing maintenance and common fee ownership of public open space, community facilities, private roads and drives, and all other commonly owned and operated property.
- 4.5 Each lot per dwelling unit shall contain a minimum of 5,000 square feet per dwelling unit.
- 4.6 The minimum width per lot shall be 18 feet.
- 4.7 The minimum depth per lot shall be 50 feet.
- 4.8 All tiny/cottage homes shall maintain a minimum separation of 10 feet from other homes within the development. Flexible setbacks are permitted from lot boundaries to enable creative site design and to ensure the preservation of trees on site. City/County staff shall determine the appropriate setbacks with the developer during the site development review process.

5. Application and Approval

- 5.1. No tiny house/cottage dwelling developments may be developed without site plan review and verification by the City/County that all requirements within this ordinance are met. Tiny house/cottage dwelling developments are allowable uses within the following zoning districts: _____.

6. Appeal

- 6.1. If the owner of a tiny house tiny house/cottage dwelling development is found to violate the provisions of this Ordinance, appeals should be made in accordance with the established procedures of the local government code.

7. Effectiveness, Interpretation, Separability

- 7.1. This Ordinance shall become effective immediately upon its adoption.
- 7.2. All other portions, parts and provisions of the Zoning Ordinance of [local government], as heretofore enacted and amended, shall remain in force and effect.
- 7.3. All Ordinances, or parts of Ordinances, in conflict herewith are replaced.
- 7.4. If any part of this Ordinance conflicts with any other applicable federal, state, or local regulation, the more restrictive regulation shall control.
- 7.5. If any section, clause, portion or provision of this Ordinance is found unconstitutional, such invalidity shall not affect any other portion of this Ordinance.

Sec. 130-66. Cottage court.

- (a) The standards of this section shall apply to cottage court developments. If the requirements of other sections of this chapter are in conflict with this section, this section shall control.
- (b) Cottage court developments shall meet the following standards:
 - (1) Each dwelling unit shall be a minimum of 600 gross sq. ft. and shall not exceed 1,200 gross sq. ft. The maximum density shall not exceed 15 dwelling units per acre.
 - (2) Dimensional standards: Each dwelling unit shall meet the following minimum dimensional standards:
 - a. Dwelling units shall have their front facades oriented toward a common open space such as a courtyard.
 - b. Side setback: 5 feet.
 - c. Rear setback: 10 feet.
 - d. Setback from a public street right-of-way line: 25 feet.
 - e. Maximum height: 25 feet.
 - (3) Side facades directly adjacent to a public street shall have additional architectural treatment to break up its view from the public street.
 - (4) The courtyard shall meet the following minimum standards:
 - a. The courtyard shall have a minimum of 500 sq. ft. of area plus 50 sq. ft. per dwelling unit.
 - b. The courtyard shall have a minimum width of 22 feet.
 - c. The courtyard shall have a minimum tree canopy of 20 percent of the total area of the courtyard at the maturity requirements found in the DCSM.
 - d. The courtyard shall count as a private community recreation area.
 - (5) Each dwelling unit shall have a private open space that is not a part of the main courtyard. The private open space shall be a minimum of 100 sq. ft.
 - (6) Off-street parking shall meet the standards of Article VI of this chapter and the following additional standards:
 - a. Garages may be detached from the dwelling unit and may be located on a separate property.
 - (7) Dwelling units within a cottage court development may be divided into individual properties. If the units are individually owned, the courtyard shall be held in common ownership through a property owner association.

(Ord. No. O-2024-03 , § 1, 7-28-2023)

APPENDIX C

SHORT-TERM RENTALS

- **UDO Section 6.2**
- **Sample STR Ordinance (Winchester, VA)**
- **Sample STR Ordinance (Williamsburg, VA)**
- **Sample STR Ordinance (Franklin County, VA)**
- **Sample STR Ordinance (King George County, VA)**

Short-Term Rental Ordinance

Adopted by Town Council, October 12, 2021

CHAPTER 7. DEFINITIONS

7.2 Definitions

7.2.2 Specific Terms

Home occupation: An accessory use which is carried on entirely within a dwelling unit by the occupant and is incidental and subordinate to the dwelling use. Home occupations include, but are not limited to, ~~rental of rooms to tourists~~, preparation of food products for sale off premises, professional offices such as medical, dental, legal, engineering and architectural, teaching of music, and fine arts and similar uses.

Short-term rental owner: Any person or entity that meets the definition of “operator” as defined in §15.2-983, as amended, of Virginia State Code.

Short-term rental: Any residential use that falls within the definition of short-term rental as defined in §15.2-983, as amended, of Virginia State Code.

Short-term rental, not occupied by owner: Any short-term rental where owner does not reside on the property when guests are in residence.

Short-term, owner-occupied: Any short-term rental where the owner of the property also resides on the same property during such period when guests are in residence.

CHAPTER 6. REGULATION OF SPECIFIC USES

6.2

Short-Term Rental and Bed and Breakfast Establishments ~~Bed and Breakfast Establishments~~

6.2.1 Purpose

The purpose of this chapter is to establish regulations for the short-term rental of privately-owned residences, in whole or in-part, including Bed & Breakfast Establishments. The performance requirements in this chapter are intended to allow and facilitate the operation of short-term rental and bed and breakfast establishments while maintaining the health, safety, and welfare of existing and future neighborhoods.

The performance requirements in this section are in addition to any other county, state, or rental platform requirements.

6.2.2 Performance Standards

- A. Short-term rental owners shall be subject to the following requirements.
 - a. The owner shall obtain a zoning permit to be reviewed on an annual basis by staff. The owner shall obtain an annual business license and pay appropriate Transient Occupancy Tax as outlined in Article VII of the Town Code.
 - b. If the owner of a short-term rental does not reside at the property or locally, the owner shall designate a local property representative. The owner or representative shall be available to respond, physically, within one hour to complaints regarding the condition, operation, or conduct of occupants of the short-term rental. The name, address, and telephone number of the owner and/or local property representative shall be kept on file with the Town. If the owner does not reside at the rental property but lives locally and is able to respond as required, they may function as the local property representative.
 - c. Prior to issuance of a zoning permit, the Shenandoah County Building official or their technical assistant must do a life safety inspection of the short-term rental to ensure that all applicable Virginia Uniform Statewide Building Code requirements are met; including, but not limited to, regulations regarding fire extinguishers, carbon

UDO Section 6.2

monoxide detectors, and emergency exits.

- d. *The owner of a short-term rental shall give the Town and Shenandoah County Building Department written consent to inspect the rental property to ascertain compliance with all applicable performance standards upon a twenty-four-hour notice.*
- e. *Emergency information must be conspicuously posted inside the property, including contact information for the owner and/or local property representative.*
- f. *All short-term rentals shall meet parking requirements of the applicable zoning district, plus one additional off-street parking space per available guest room, in order to accommodate rental guests.*
- g. *The owner shall provide an informational packet to each new guest. Review of this information packet is required upon issuance of Zoning Permit. The information must include, but is not limited to:*
 - i. *Maximum occupancy as outlined in Section 6.12 of the UDO*
 - ii. *Location of off-street parking*
 - iii. *Code references applicable to noise as outlined in Section 6.12 of the UDO*
 - iv. *Use restrictions as outlined in applicable Zoning District*
 - v. *Guidelines for trash storage and removals*
 - vi. *Evacuation routes in case of fire or emergency*
 - vii. *Owner or Local property representative information*
- h. *If the operator of the short-term rental is not the property owner, written consent from the property owner must be submitted with the application for a zoning permit.*

B. *In addition to section 6.2.2 A, Bed and breakfast establishments shall be subject to the following requirements:*

- a. *Permitted only in single-family dwellings.*
- b. *A maximum of five guestrooms, with a maximum occupancy of 15 persons.*
- c. *Food service shall be limited to the breakfast meal and shall be available only to guests and not to the general public in any residential district.*
- d. *No receptions, private parties, or other events, for fee shall be permitted.*
- e. *Any amenities such as tennis court, swimming pool, etc., shall be solely for the use of the resident owner and guests of the facility.*
- f. *Provisions applicable to Bed and Breakfast Establishments as required by the Uniform Statewide Building Code shall be met.*
- g. *Issuance of owner permit from the Shenandoah County Health Department is required.*
- h. *The maximum length of stay for each guest shall be 30 days or less.*
- i. *The owner(s) or property representative shall be available to respond in person within one hour to complaints regarding the condition, operation, or conduct of occupants of the Bed and Breakfast Establishment.*
- j. *A Bed and Breakfast shall have frontage on an improved public street.*
- k. *One off street parking space shall be provided for each guest room.*

6.2.3 Penalties

A. *A Zoning Permit may be revoked or suspended for the following reasons:*

- a. *Three or more substantiated complaints including, but not limited to, noise, excess trash, failure to meet parking requirements and exceeding occupancy limits.*
- b. *The repeated failure of any short-term rental or bed and breakfast owner to respond physically to in a timely manner to complaints regarding the condition, operation, or conduct of occupants.*

B. *A fine of \$200.00 will be issued to any owner that:*

- a. *Fails to obtain a zoning permit.*
- b. *Receives three or more substantiated complaints including, but not limited to, noise, excess trash, failure to meet parking requirements, and exceeding occupancy limits.*

Sec. 18-29. - Homeshares and short term rentals.

18-29-1 A zoning use permit pursuant to Section 18-1 of this Article shall be required prior to the commencement of a homeshare or short term rental use. Any permit issued to a homeshare or short term rental operator is non-transferrable.

18-29-2 Homeshare use requirements:

- A. Shall only be operated as a home occupation pursuant to Section 18-19 of this Ordinance.
- B. The operator shall only be an owner who utilizes and resides at the dwelling as his/her primary residence. An owner must reside at the dwelling when being rented to guests.
- C. No more than two rooms shall be rented to guests at one time.
- D. Shall not be rented to more than four guests at one time.
- E. Shall comply with provisions A through O of Section 18-29-2 of this Ordinance.

18-29-3 Short term rental use requirements:

- A. A fire extinguisher shall be provided and visible in all kitchen and cooking areas; smoke detectors shall be installed in all locations as identified in the Uniform Statewide Building Code; and a carbon monoxide detector must be installed on each floor in every dwelling.
- B. No exterior signage for the use may be utilized.
- C. The short term rental operator shall comply with all registration, filing and taxation requirements with the Commissioner of Revenue's and Treasurer's offices.
- D. Off-street parking must be available at the dwelling unit in accordance with Section 18-6, subject to special exemptions or reductions for properties located within Parking Districts A and B as provided in Section 18-6-6.
- E. The use at all times must comply with applicable noise and maximum sound level regulations per Chapter 17 of Winchester City Code, as amended.
- F. By submitting an application for a short term rental, an applicant authorizes the Administrator or designee to enter the subject property, upon reasonable advance written notice to the applicant, at least one time during the calendar year to verify that the short term rental is being operated in accordance with the regulations set forth within this Section.
- G. A property management plan must be submitted to the Administrator, illustrating how the operator will handle neighborhood complaints, trash collection/removal, noise, and other neighborhood concerns.
- H. The short term rental shall not be marketed or used for weddings, receptions, or other events.
- I. No food shall be prepared for or served to guests by the owner or operator of the short term rental. Utilization of kitchen facilities within the short term rental by guests shall not be

restricted.

- J. The owner of any property applying for a short term rental, or the owner of the controlling entity that owns a property applying for a short term rental, must sign the application for a short term rental.
- K. Sub leasing, defined as a lease of a property by a tenant to a subtenant, of short term rentals is strictly prohibited.
- L. The operator must identify a responsible party who will be immediately available to respond to and resolve issues and complaints that arise during use of the property as a short term rental.
- M. Emergency information must be conspicuously posted inside the property, including contact information for the party responsible for management of the facility.
- N. Multifamily and mixed-use structures are excluded from the ability to utilize the short term rental use whether owner occupied or not. Single family homes and townhouses are the only eligible structures types.
- O. All short term rental operators are responsible for keeping a ledger containing the dates and amount charged for any stay that occurs. That information will be provided to the Commissioner of the Revenue and the Zoning Administrator on an annual basis.
- P. The total number of sleeping rooms available for rental is limited to a maximum of five sleeping rooms. Structures that exceed five bedrooms are prohibited from operating a short term rental.
- Q. Short term rentals may exceed the occupancy regulations found under 1-2-36. The total number of adult renters allowed in a short-term rental shall be limited to two adults per available sleeping room, with a total maximum of ten total occupants including children. Double booking which consists of more than one booking transaction occurring at the same time is not allowed. Occupancy may be further limited under the Building Code.

(Ord. No. 2021-33, 11-23-2021)

Editor's note— Ord. No. 2021-33, adopted November 23-2021, amended § 18-29 in its entirety to read as herein set out. Former § 18-29, pertained to similar subject matter, and derived from 6/12/18, Case TA-18-151, Ord. No. 2018-16.

Sec. 21-605.2. Rental of one room in single-family detached dwellings to visitors.

- (a) *Intent.* These regulations are established to allow the rental of one room to transient visitors in single-family detached dwellings only while at the same time preserving the residential character of the neighborhoods in which the dwellings are located. To these ends, a one room rental to transient visitors is allowed throughout residential districts as a business accessory use, with a special exception, but is limited to owner-occupied single-family detached dwellings.
- (b) *Rental of a room to transient visitors.* Rental of a room to transient visitors shall be permitted only in owner-occupied single-family detached dwellings. Room may consist of a bedroom, bathroom, closet(s), and a sitting area for the exclusive use of the transient visitors, but may not include cooking facilities separate from the primary cooking facilities serving the single-family detached dwelling.
- (c) *Limitation.* Rental of a room to transient visitors shall be permitted for not more than 104 nights per calendar year, and shall be contingent upon approval as a special exception use by the Board of Zoning Appeals in accordance with subsection 21-97(f), and subject to the following:
- (d) *Owner-occupied single-family detached dwelling defined.*
 - (1) For the purpose of this section, a single-family detached dwelling shall be deemed "owner-occupied" only so long as it is regularly occupied by:
 - a. An adult individual who owns at least a 50 percent undivided fee simple interest in such dwelling and the lot upon which it is located and regularly occupies said dwelling as his or her principal place of residence; or
 - b. The stockholder(s) of at least 51 percent of the individual outstanding voting stock of a corporation, chartered in the Commonwealth of Virginia, or the member(s) of a limited liability company or limited partnership chartered in the Commonwealth of Virginia, who own the controlling interest therein, which corporation or limited liability company or limited partnership owns full fee simple title to the dwelling and the lot on which it is located, and which controlling stockholder(s)/member(s)/partners are related to one another as provided in the definition of family as provided in Section 21-2 and regularly occupy said dwelling as their principal place of residence along with their family.
 - c. The trustee or adult primary beneficiary of a trust, when the property is held as an asset of the trust and the trustee or adult primary beneficiary occupies the dwelling as his or her principal place of residence.
 - (2) Ownership shall be established as follows:
 - a. Record ownership of fee simple title shall be certified by an attorney-at-law duly licensed to practice in the Commonwealth of Virginia, and shall be based upon examination of the land records in the Clerk's Office for the Circuit Court of the City of Williamsburg and County of James City made not earlier than the day before delivery of the certification to the zoning administrator. Such certification shall be in form acceptable to the city attorney.
 - b. The identity of stockholders of a corporation and members of a limited liability company shall be established by affidavit of all stockholders or members in form satisfactory to the city attorney. Such affidavit shall state that said stockholders of the majority interest of the corporation, or the majority of the members of the limited liability company, regularly occupy the dwelling as their primary residence.
 - c. The identity of the trustee or primary beneficiary of a trust shall be established by providing a copy of the trust document accompanied by an affidavit of the trust identifying the current adult trust beneficiaries.

- (3) On the first business day of each January following the issuance of the special exception, the ownership and occupancy of the dwelling and lot, if unchanged, shall be established as follows:
 - a. In the case of individual ownership, by affidavit of the owner or owners originally identified in the attorney's title certification furnished in connection with the permit application;
 - b. In the case of corporate ownership, the corporation's continued full fee simple ownership and the identity of the controlling stockholders shall be established by the affidavit of the president of the corporation and the continued occupancy of the dwelling and lot as the principal residence of the controlling stockholders shall be established by their affidavits; or
 - c. In the case of ownership by a limited liability company, the company's continued ownership of full fee simple ownership, the fact that the members previously identified as owning control of the limited liability company continue to do so and that said members continue to occupy the dwelling and lot as their primary residence shall be established by their affidavits.
- (4) If a change in fee simple ownership of the dwelling and lot has occurred since the last annual certification, then the current fee simple ownership shall again be established by certificate of a duly licensed attorney-at-law based upon examination of the land records in the Clerk's Office of the Circuit Court for the City of Williamsburg and the County of James City. In such case, the identity of controlling stockholders, in the case of a corporation or controlling members, in the case of limited liability company and the facts regarding occupancy shall be established by affidavits as provided in subsection 21-605.2(d)(2), above.
- (e) Should ownership, control or occupancy of a dwelling for which a special exception has been issued at any time fail to meet the requirements of subsection 21-605.2(d), and if compliance has not been achieved within 60 days of the zoning administrator's notice of noncompliance, then the special exception shall become null and void.
- (f) Prior to offering property for rental by transient visitors, the applicant shall provide to the zoning administrator:
 - (1) Evidence of ownership as provided in subsection 21-605.2(d).
 - (2) A copy of a general liability insurance policy in the name of the owner covering the rental of the property to visitors, with coverage of not less than \$500,000.00. Such insurance coverage must remain in place at all times while any part of the property is being offered for short-term rental.
 - (3) A property management plan demonstrating how the short-term rental will be managed and how the impact on neighboring properties will be minimized shall be submitted to the Planning Department for review and approval as part of the permitting process. The plan shall include local points of contact available to respond immediately to complaints, clean up garbage, manage unruly tenants and utility issues, etc. The contact numbers shall be provided to City staff, public safety officials and, if applicable, the HOA/POA of the subdivision. The plan must be provided as part of the rental contract.
 - (4) If the property is located within a subdivision governed by a homeowner's association/property owners association, the zoning administrator must receive written confirmation from the HOA/POA that the short-term rental is permitted pursuant to the subdivisions restrictive covenants.
 - (5) A copy of a business license issued by the Williamsburg Commissioner of the Revenue shall be provided to the zoning administrator not less than 30 days after the approval of the special exception but prior to occupancy by the transient visitor.
- (g) The Board of Zoning Appeals shall determine if the property at issue meets the occupancy requirement, provides an adequate plan for managing the property, and shall determine if the property may be operated as a short-term rental consistent with the provisions of Subsection 21-97(f) and conditions contained herein.
- (h) Special exceptions to operate a short-term rental shall be subject to the following conditions:

- (1) Rentals are limited to owner-occupied single-family detached dwellings and the owner must be physically present at the property during any rental period.
- (2) No more than one room in the principal dwelling may be rented to transient visitors, as defined in Subsection 21-605.2(b).
- (3) The furnishing of meals is not permitted.
- (4) No more than two transient visitors shall occupy a room at the same time, excluding minor children of the transient occupants, unless otherwise reduced by the requirements of the Uniform Statewide Building Code and all other applicable laws and regulations.
- (5) The following parking requirements shall apply:
 - a. One off-street parking space shall be provided (as required by Article V, Parking), and shall be reserved for use by the occupants of the rental room.
 - b. The Board of Zoning Appeals, when ruling on the special exception, shall consider the location of the off-street parking and its impact on adjoining residences and the adjacent street(s). When necessary to preserve the character of the surrounding neighborhood and streetscape, the board may prohibit the location of off-street parking in front yards and/or the street side yards for corner lots.
 - c. Parking spaces and driveways shall be constructed of gravel, compacted stone, concrete, asphalt, brick or paving stones.
 - d. Parking spaces and driveways (inclusive of spaces for the single-family detached dwelling and the proposed room rental) shall not occupy more than 30 percent of a front or rear yard area, and shall not occupy more than 15 percent of the total lot area for lots having a lot area of 20,000 square feet or less; nor more than ten percent of the total lot area for lots having a lot area of more than 20,000 square feet. When applying for a special exception, existing parking spaces and driveways that are constructed of gravel, compacted stone, concrete, asphalt, brick or paving stones may be used to provide the required parking, even if they are not in compliance with these standards. All new parking spaces and driveways shall comply with these standards.
 - e. Parking shall be allowed only in driveways or parking spaces meeting these requirements, and shall be prohibited elsewhere on the lot.
- (6) Applicable provisions of the Uniform Statewide Building Code, and all other applicable laws and regulations, shall be met.
- (7) No property being used as a residential rental property may also be used as a short-term rental. Only the property owner and his or her family, as defined in Section 21-2, may reside at the dwelling along with transient visitors.
- (8) Property owners utilizing their properties as a short-term rental must keep a register of short-term rentals of the property. Said register shall be subject to inspection upon request of the zoning administrator, and application for a permit to engage in short-term rentals shall contain a written consent for such inspection. The name and addresses of all transient visitors occupying the short-term rental and the dates rented must be maintained in the register, whether or not that person is the person who paid the cost of the short-term rental or not. Said information must be maintained in said register for a period of two years.
- (9) Short-term rentals may not be occupied by the same transient visitors for a period of more than 30 days during any calendar year.
- (10) There shall be no visible evidence of the conduct of such short-term rentals on the outside appearance of the property.

- (11) Event rentals are not permitted.
 - (12) A fully functional smoke detector and carbon monoxide detector must be installed on each floor of the dwelling.
 - (13) The owner of a dwelling used for short-term rentals shall give the City written consent to inspect such dwelling upon a 24-hour notice to ascertain compliance with all the above performance standards.
 - (14) All outdoor burning shall be in compliance with Chapter 5 of the Williamsburg City Code.
 - (15) Owners of the short-term rental shall ensure that transient visitors comply with City ordinances, including but not limited to the City noise and nuisance ordinance. A copy of Chapter 12 of the City Code relative to noise must be provided at the short-term rental dwelling.
 - (i) It shall be unlawful to rent a room to transient visitors in any dwelling except as provided herein.
 - (j) Except as otherwise herein provided, a special exception as granted hereunder may be revoked for failure to comply with a required condition contained herein or for multiple violations on more than three occasions of any state or local laws, ordinances or regulations related to the rental of the room, consistent with Subsection 21-97(g).
- (Ord. No. 19-01, 2-14-19)

ARTICLE IV. SHORT TERM RENTALS

Sec. 5.5-70. Short-term rental registry.

Operator. The proprietor of any dwelling, lodging, or sleeping accommodations offered as a short-term rental, whether in the capacity of owner, lessee, sublessee, mortgagee in possession, licensee, or any other possessory capacity.

Short-term rental. The provisions of a room or space that is suitable or intended for occupancy for dwelling, sleeping, or lodging purposes, for a period of fewer than thirty (30) consecutive days, in exchange for a charge for the occupancy.

- (a) This division shall establish a short-term rental registry and require operators within Franklin County to register their rental annually. The registration shall require the operator to complete a short-term rental application through electronic means or on forms provided by Franklin County that entails the following:
 - (1) Provide the name of the operator for the address.
 - (2) Provide the property owner name and physical address(es) of the property being rented.
 - (3) The initial registration is due on or before July 1, 2020. Renew registration on or before July 1st of each calendar year thereafter.
 - (4) Provide registration fee annually of two hundred dollars (\$200.00) on or before July 1st each year.
- (b) To qualify as exempt from registering under this ordinance, an operator must be:
 - (1) Licensed by the real estate board or be a property owner who is represented by a real estate licensee;
 - (2) Registered pursuant to the Virginia Real Estate Time-Share Act (§ 55-360 et seq.);
 - (3) Licensed or registered with the department of health, related to the provision of room or space for lodging; or
 - (4) Licensed or registered with Franklin County, related to the rental or management of real property.
- (c) Operator shall present evidence of such other licensing or registration to the office of planning and community development to qualify for exemption.
- (d) Should such registration or licensing cease, the operator shall forthwith submit an application and register on the county's short-term rental registry.
- (e) If an operator who is required to register under this ordinance fails to do so while offering such lodging for rent, or rents such lodging:
 - (1) S/he shall be subject to a fine of five hundred dollars (\$500.00) per violation; or
 - (2) S/he shall be prohibited from continuing to offer any property for short-term rental, unless and until the operator pays the fine(s) and registers subject property.
- (f) Upon multiple violations on more than three (3) occasions of applicable state and local laws, ordinances, and regulations, as they relate to the short-term rental on a specific property, an operator may be prohibited from registering and offering that property for a period of two (2) years.
- (g) The requirements of this division do not supersede the requirements found in chapter 25, zoning or other requirements of the Franklin County Code or Code of Virginia, as amended.

(Ord. No. 15-05-2020 , 5-19-20)

State law reference(s)—Enabling legislation, Code of Virginia, § 15.2-983.

Sec. 5.5-71. Reserved.

Sec. 5.5-72. Short term rentals.

The following general regulations apply to all short-term tourist rental of residential dwellings:

- (a) The use of the dwelling unit for short-term rentals shall be primarily for residential purposes related to tourism or vacationing.
- (b) There shall be no change in the outside appearance of the dwelling or premises, or other visible evidence of the conduct of such short-term rentals.
- (c) There shall be no more than two (2) adults per bedroom occupying the dwelling at any one time. An adult, for the purpose of this regulation, is any person over the age of three (3). The number of bedrooms in dwellings relying upon septic tanks and drainfields for sewage disposal shall be determined by reference to health department permits specifying the number of bedrooms for which the supporting system was designed. A notice shall be clearly posted in the dwelling indicating approved occupancy of the dwelling.
- (d) All vehicles of tenants shall be parked in driveways or parking areas designed and built to be parking areas. In the case of multifamily dwellings, all vehicles must be parked in spaces specifically reserved for the dwelling unit being rented.
- (e) All boats of tenants shall be parked on the lot on which the dwelling is located. In the case of multifamily dwellings boats must be parked in areas specifically reserved for the dwelling unit being rented.
- (f) Noise generated off the lot or off the premises shall be in no greater volume or pitch than normally expected in a residential neighborhood.
- (g) A type 2A-10BC fire extinguisher shall be mounted on the wall in common area or kitchen on each floor in the dwelling. Smoke detectors must be installed and functioning properly in every living area and bedroom within the dwelling. Each bedroom shall comply with building code requirements for egress. An evacuation plan shall be provided in the home and clearly visible to renters.
- (h) The owner of a dwelling used for short term rental shall give the county written consent to inspect any dwelling used for short-term rental to ascertain compliance with all the above performance standards. An annual inspection shall be performed by the County.

(Ord. No. 15-05-2020 , 5-19-20)

King George County Zoning & Subdivision Ordinance

Article VII – Use Performance Standards

Section 7-3-12. Short-Term Rental.

(A) **Definitions.** The following shall apply as used in this section:

- (1) *Booking transaction.* Any transaction in which there is a charge to a transient by a host for the occupancy of any dwelling, sleeping, or lodging accommodations.
- (2) *Guest or transient.* A person who occupies a short-term rental unit.
- (3) *Host.* The owner, lessee, sublessee, mortgagee in possession, licensee, or person(s) in any other possessory capacity of the short-term rental unit. In determining compliance with these regulations, the host has the burden of demonstrating that they have ownership of or the legal rights to sublease the dwelling unit.
- (4) *Short-term rental.* A residential dwelling unit that is used or advertised for rent for transient occupancy in increments of fewer than 30 consecutive days. This use type does not include bed-and-breakfast establishments and does not apply to month-to-month extensions following completion of a year's lease.
- (5) *Residential dwelling unit.* A residence where one or more persons maintain a household.

(B) **Registration and other requirements.**

- (1) No host shall operate a short-term rental business without having registered with the Administrator. A host shall not be required to register their short-term rental if the host is (i) licensed by the Real Estate Board or is a property owner who is represented by a real estate licensee; (ii) registered pursuant to the Virginia Real Estate Time-Share Act (Va. Code § 55.1-2200 et seq.); (iii) licensed or registered with the Department of Health, related to the provision of room or space for lodging; or (iv) licensed or registered with the locality, related to the rental

King George County Zoning & Subdivision Ordinance

Article VII – Use Performance Standards

or management of real property, including licensed real estate professionals, hotels, motels, campgrounds, and bed and breakfast establishments.

- (2) The Administrator will report all registrations to the King George County Commissioner of the Revenue for the collection of all appropriate tax, including transient lodging tax, and any required business licensure fees.
- (3) The registration form shall include the following information:
 - (i) The name, telephone number, physical and mailing address, and email address of the host.
 - (ii) The physical and mailing address of the short-term rental.
 - (iii) The number of bedrooms and bathrooms in the short-term rental.
 - (iv) A reminder about the importance of having appropriate levels of insurance that covers the short-term rental, the host, and the guests.
 - (v) If utilizing private septic, a copy of the approved septic permit shall be provided by the applicant.
- (4) The registration shall be valid January 1st (or from whatever date the registration first occurs) through December 31st of the calendar year and shall be renewed annually.

(C) **Use regulations.**

- (1) The unit shall meet all applicable building codes.
- (2) All exterior signage shall be in accordance with Article VIII, Division 6 of this Ordinance.
- (3) Occupancy of the short-term rental is limited to 2 people per bedroom.
- (4) No recreational vehicles, buses, or trailers shall be used in conjunction with the short-term rental use to increase the occupancy of the rental unit.
- (5) The host shall not permit occupancy of a short-term rental unit for a period of less than overnight, or more than 30 consecutive days, excluding all extensions and renewals to the same person or a person affiliated with the lessee, in accordance with Code of Virginia § 15.2-983, as amended.
- (6) The host shall provide guests with applicable county regulations, including but not limited to, noise ordinance, solid waste regulations, and event regulations.
- (7) The physical and aesthetic impact of required off-street parking shall not be detrimental to the existing character of the house and lot or to the surrounding neighborhood.

(D) **Registration Revocation.**

- (1) A registration may be revoked for the following reasons:
 - (i) Upon multiple violations of state law, County ordinances, or other applicable laws and regulations on three (3) or more occasions within a rolling 12-month period.
- (2) A formal complaint shall be filed with the Administrator to be considered received.

King George County Zoning & Subdivision Ordinance

Article VII – Use Performance Standards

- (i) If violations occur, as supplied in (D)(1), above, the Administrator make revoke the registration.
 - (3) Before any revocation can be effective, the Administrator shall give written notice to the short-term rental host.
 - (i) The notice of revocation issued under the provisions of this Ordinance shall contain:
 - 1. A description of the violation(s) constituting the basis of the revocation; and
 - 2. If applicable, a statement of acts necessary to correct the violation. The host shall have thirty (30) days to correct the violation.
 - (4) In accordance with Article III, Permits and Applications, of this Ordinance, an applicant may appeal the Administrator’s decision for revocation of the registration.
 - (5) Should a registration be revoked, the Host must apply for a new registration in accordance with section 7-3-12(B) and demonstrate how the use shall comply with the provisions of section 7-3-12(C).
- (E) **Penalty.**
- (1) Any short-term rental business in violation of zoning regulations is subject to all relevant penalties as set forth by King George County.
 - (2) It shall be unlawful to operate a short-term rental:
 - (i) Without obtaining a business license and a registration as required by this Article;
 - (ii) After a registration has been revoked; or,
 - (iii) In violation of any other requirement of this Article.
 - (3) A person subject to the short-term rental registration requirement that offers a short-term rental not registered in accordance with Section 7-3-12(B) of this Ordinance may be subject to a penalty not to exceed \$500.

STR Option 1

Sec. 84-800.09. – Short-term Rentals and Homestays.

1. Registration.
 - a. Prior to operation, the operator of any homestay or short-term rental shall
 - i. Register the property with the Department of Planning and Zoning, unless exempt from registration pursuant to Section 15.2-983(B)(2) of the Code of Virginia, as amended. Registration shall be valid from the date the registration occurs through December 31 and shall be renewed annually by March 1.
 - ii. As a part of the registration and annual renewal, a rental inspection report from the Shenandoah County Building Official shall be provided.
 - iii. Obtain a business license. The business license shall be valid from the date the registration occurs through December 31 and shall be renewed annually by March 1.
 - b. Each registration shall be specific to the operator and property and is nontransferable.
 - c. Short-term rental uses legally establish prior to July 1, 2024:
 - i. Shall be permitted to operate under the zoning text amendment adopted October 12, 2021.
 - ii. The annual renewal as stated within this section shall apply.
2. Operators
 - a. For homestay uses, the operators shall maintain the property as their primary residence. The following documents shall be accepted as proof of primary residence:
 - i. Virginia driver's license or identification (ID) card;
 - ii. Voter registration card
 - iii. U.S. Internal Revenue Service tax reporting W-2 form;
 - iv. Payroll check stub issued by an employer not more than 2 months old; and
 - b. For short-term rentals, the operator that may or may not be the property owner, shall be present during the lodging period. An operator is not required to be present for apartments.
 - c. Contact information for all operators shall be provided on your registration.
3. The following dwelling types shall be permitted:
 - a. Single-family detached
 - b. Apartments
4. Each lodging contract shall be limited to a period of fewer than thirty (30) consecutive nights.
5. Any food service offered shall be limited to guests.
6. The operation shall not be marketed and used for weddings, receptions, or events, unless approved, and as may be conditioned during the special use permit process.
7. The operator's contact information shall be on the registration and updated as needed prior to a new operator being present during a stay.
8. Penalties:
 - a. A Zoning Permit may be revoked or suspended for the following reasons:
 - i. Three or more substantiated complaints including, but not limited to, noise, excess trash, failure to meet parking requirements and exceeding occupancy limits.
 - ii. Three violations of the conditions listed within this section, to include, but not limited to the absence of the operator.

STR Option 1

- b. A fine of \$200.00 will be issued to any owner that:
 - i. Failure to obtain registration.
 - ii. Failure to maintain the presence of a registered operator during a stay.
 - iii. Receives three or more substantiated complaints including, but not limited to, noise, excess trash, failure to meet parking requirements, and exceeding occupancy limits.
- 9. If the property is under new ownership, the registration shall be voided and a new application per this section shall apply.
- 10. In addition to the regulations in subsections (1) through (9), homestays shall comply with the following:
 - a. The total number of lodging contracts shall be limited to ninety (90) nights per calendar year.
 - b. The number of guests at one (1) time shall be limited to four (4).
 - c. The operation shall not be marketed or used for weddings, receptions, or other events.

STR Option 2

Sec. 84-800.09. – Short-term Rentals and Homestays.

1. Registration.
 - a. Prior to operation, the operator of any homestay or short-term rental shall
 - i. Register the property with the Department of Planning and Zoning, unless exempt from registration pursuant to Section 15.2-983(B)(2) of the Code of Virginia, as amended. Registration shall be valid from the date the registration occurs through December 31 and shall be renewed annually by March 1.
 - ii. As a part of the registration and annual renewal, a rental inspection report from the Shenandoah County Building Official shall be provided.
 - iii. Obtain a business license. The business license shall be valid from the date the registration occurs through December 31 and shall be renewed annually by March 1.
 - b. Each registration shall be specific to the operator and property and is nontransferable.
 - c. Short-term rental uses legally establish prior to July 1, 2024:
 - i. Shall be permitted to operate under the zoning text amendment adopted October 12, 2021.
 - ii. The annual renewal as stated within this section shall apply.
2. Operators
 - a. For homestay uses, the operators shall maintain the property as their primary residence. The following documents shall be accepted as proof of primary residence:
 - i. Virginia driver's license or identification (ID) card;
 - ii. Voter registration card
 - iii. U.S. Internal Revenue Service tax reporting W-2 form;
 - iv. Payroll check stub issued by an employer not more than 2 months old; and
 - b. For short-term rentals, the operator shall identify that they are a primary residence within town limits. The following documents shall be accepted as proof of primary residence:
 - i. Virginia driver's license or identification (ID) card;
 - ii. Voter registration card
 - iii. U.S. Internal Revenue Service tax reporting W-2 form;
 - iv. Payroll check stub issued by an employer not more than 2 months old; and
 - c. Contact information for all operators shall be provided on your registration.
3. The following dwelling types shall be permitted:
 - a. Single-family detached
 - b. Apartments
4. Each lodging contract shall be limited to a period of fewer than thirty (30) consecutive nights.
5. Any food service offered shall be limited to guests.
6. The operation shall not be marketed and used for weddings, receptions, or events, unless approved, and as may be conditioned during the special use permit process.
7. The operator's contact information shall be on the registration and updated as needed prior to a new operator being present during a stay.
8. Penalties:
 - a. A Zoning Permit may be revoked or suspended for the following reasons:

STR Option 2

- i. Three or more substantiated complaints including, but not limited to, noise, excess trash, failure to meet parking requirements and exceeding occupancy limits.
 - ii. Three violations of the conditions listed within this section, to include, but not limited to the absence of the operator.
 - b. A fine of \$200.00 will be issued to any owner that:
 - i. Failure to obtain registration.
 - ii. Failure to maintain the presence of a registered operator during a stay.
 - iii. Receives three or more substantiated complaints including, but not limited to, noise, excess trash, failure to meet parking requirements, and exceeding occupancy limits.
- 9. If the property is under new ownership, the registration shall be voided and a new application per this section shall apply.
- 10. In addition to the regulations in subsections (1) through (9), homestays shall comply with the following:
 - a. The total number of lodging contracts shall be limited to ninety (90) nights per calendar year.
 - b. The number of guests at one (1) time shall be limited to four (4).
 - c. The operation shall not be marketed or used for weddings, receptions, or other events.
- 11. In addition to the regulations in subsections (1) through (9) above, short-term rentals shall comply with the following:
 - a. A short-term rental shall be permitted within an approved accessory dwelling as identified in section.
 - b. A minimum of one off-street parking space per sleeping room shall be provided. The exemptions listed with Part 807 for the Downtown Parking Overlay District shall not apply to short-term rental uses.

STR TABLE

	Option 1		Option 2	
REGISTRATION				
Annual Registration	Yes		Yes	
Annual Building Code Inspection	Yes		Yes	
Annual Business License	Yes		Yes	
*OPERATOR	Homestay	STR - Operated	Homestay	STR
Required to be present during stay	Owner must be present	Operator must be present	Owner must be present	Owner or operator not present
Must be primary residence	Yes	No – Operator must be on site during the stay. (except apartments)	Yes	No – Owner must have a primary residence in town limits
Proof of town residency required	Yes	No	Yes	Yes
Type of permitted uses	SFD	SFD Apartment	SFD **ADU (max 1)	SFD Apartment **ADU (max 1)
Permitted districts	Residential/Historic Commercial/Historic	Residential/Historic Commercial/Historic	Residential/Historic Commercial/Historic A-3 R-1	Residential/Historic Commercial/Historic A-3 R-1
Minimum lot size	N/A	N/A	0.50 only for A-3, R-1, and R-4	0.50 only for A-3, R-1, and R-4
Marketed and used for weddings, receptions, or events	No	No	No	No
Penalties Three or more substantiated complaints or violations may result in suspension or revocation of the registration	Yes – possible fines	Yes – possible fines	Yes – possible fines	Yes – possible fines

STR TABLE

	Option 1		Option 2	
	Homestay	STR - Operated	Homestay	STR
Registration conveys to new owner	No	No	No	No
Maximum number of rental nights	90 - per calendar year	N/A	90 - per calendar year	N/A
Max number of guests	4 at one time	2 – per sleeping room	4 at one time	2 – per sleeping room
Off-street parking required	No	No	No	1 – per sleeping room Parking overlay does not apply

NOTES:

*All operators and contact info shall be on the registration

**ADU requires primary resident to live in the primary dwelling.

Homestay and STR shall be a by-right accessory use within the following districts:

- B-H, Commercial Historic
- R-H, Residential Historic
- AG-3, Agricultural
- R-1, Rural Residential
- R-4, Semi-rural Residential