

**Summary of Current Zoning Ordinance Regulations for Residential Transient Lodging**

Use Category & Districts Permitted	Accessory Tourist Lodging (Residential Districts, PRD, PUD, NMD where authorized in Code of Development)	Bed and Breakfast (Rural Area Districts only)
Dwelling Unit Type	Single Family Detached Dwelling	Single Family Detached Dwelling or accessory structures
Number of guest rooms	5 guest rooms within the single family dwelling	5 guest rooms within a single family dwelling or within accessory structures  Up to two BNBs may be located on one parcel
Occupancy by Owner/Manager of Structures Used	The owner or manager must reside within the single family dwelling in which the guest rooms are located	Owner or manager must reside on the parcel
Parking	2 spaces/ single family + 1/ guest room	2 spaces/ single family + 1/ guest room
Application and fee	Zoning Clearance \$108 fee	Zoning Clearance \$108 fee
Other agency reviews and permit requirements	Building Official (Electrical Permit if smoke detectors need to be brought up to code)  Fire Marshal (\$50 fee)  Health Department (\$40 fee+ application)	Building Official (Electrical Permit if smoke detectors need to be brought up to code)  Fire Marshal (\$50 fee)  Health Department (\$40 fee+ application)

## **Zoning Ordinance definitions:**

***Bed and breakfast:*** A use composed of transient lodging provided within a single family dwelling and/or one or more structures that are accessory to the single family dwelling, having not more than five (5) guest rooms in the aggregate, and which also may include rooms for dining and for meetings for use by transient lodging guests of the bed and breakfast provided that the dining and meeting rooms are accessory to the bed and breakfast use. (Added 6-6-12)

***Transient lodging:*** Lodging in which guest rooms are occupied for less than thirty (30) consecutive days. (Added 6-6-12)

***Guest room:*** A room which is intended, arranged or designed to be occupied, or which is occupied by one (1) or more guests paying direct or indirect compensation therefor, but in which no provision is made for cooking.

***Tourist lodging:*** A use composed of transient lodging provided within a single family dwelling having not more than five (5) guest rooms, where the single family dwelling is actually used as such and the guest rooms are secondary to the single-family use, whether or not the guest rooms are used in conjunction with other portions of the dwelling. (Amended 6-6-12)

## **Supplemental Regulations:**

### **5.1.17 TOURIST LODGING**

Before the zoning administrator approves a zoning clearance for a tourist lodging use under section 31.5, the owner of the parcel shall obtain approvals of the use from the building official, the fire official and the Virginia Department of Health, and shall satisfy all other applicable requirements of this chapter. (§ 5.1.17, 12-10-80; Ord. 01-18(6), 10-3-01; Ord. 12-18(3), 6-6-12)

### **5.1.48 BED AND BREAKFAST**

Each bed and breakfast shall be subject to the following:

- a. *Residency.* The owner of the parcel or a manager of the bed and breakfast shall reside on the parcel.
- b. *Number of bed and breakfast uses.* Any parcel may have up to two (2) bed and breakfast uses.
- c. *Required development rights, density and limitation.* Each single family dwelling to which a bed and breakfast use is accessory shall comply with the following: (i) on any parcel less than twenty-one (21) acres in size, the single family dwelling shall be authorized by a development right as provided in section 10.3; (ii) on any parcel, regardless of size, the single family dwelling shall comply with the permitted density; and (iii) no single family dwelling shall have more than one bed and breakfast use accessory to it.
- d. *Minimum yards.* Any accessory structure used for a bed and breakfast use shall comply either with the applicable minimum yard requirements for a primary structure or a lesser yard approved by the zoning administrator that is not less than the minimum yard required for an accessory structure that would otherwise be applicable, if the zoning administrator finds that: (i) the distance between the accessory structure and the closest primary structure on the closest abutting parcel is greater than the applicable minimum yard requirement for a primary structure; and (ii)

written consent has been provided by the owner of the abutting lot consenting to the alternative minimum yard. The minimum yard for any parking area shall be twenty-five (25) feet.

- e. *Parking.* In addition to the parking required for a single family dwelling, the number of off-street parking spaces required by section 4.12.6 shall be provided.
- f. *Information and sketch plan to be submitted with request for zoning clearance.* The owner of the parcel or a manager of the bed and breakfast shall submit the following to the zoning administrator with each request for a zoning clearance under section 31.5:
  - 1. *Information.* Information pertaining to the following: (i) the proposed use; (ii) the maximum number of guest rooms; (iii) the provision of on-site parking; and (iv) the location, height and lumens of outdoor lighting.
  - 2. *Sketch plan.* A sketch plan, which shall be a schematic drawing of the premises with notes in a form and of a scale approved by the zoning administrator depicting: (i) all structures that would be used for the bed and breakfast; (ii) the locations of all guest rooms; and (iii) how access, on-site parking, outdoor lighting, signage and minimum yards will be provided in compliance with this chapter.
- g. *Building code, fire and health approvals.* Before the zoning administrator approves a zoning clearance under section 31.5, the owner of the parcel or a manager of the bed and breakfast shall obtain approval of the use from the building official, the fire official, and the Virginia Department of Health.
- h. *Uses prohibited.* Restaurants are prohibited as a use accessory to a bed and breakfast use.