

Chapter 42 – ZONING

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ARTICLE I. – IN GENERAL

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Sec. 42-1. – Definitions.

The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

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Home occupation means any occupation, profession or enterprise conducted by one or more members of a family residing on the premises which is incidental and secondary to the use of the premises for dwelling purposes, provided that not more than one person other than a family member of the resident family is employed on the premises. Home occupations would include any activity for remuneration and would include, but would not be limited to, activities such as the keeping of files, sending and receipt of mail, accounting and filing of taxes associated with the activity associated with remuneration. See section 42-8 for conditional use permit requirements. When within this requirement, a home occupation includes, but is not limited to, the following:

- (1) Art or photography studio;
- (2) Dressmaking;
- (3) Professional office of a physician, therapist, dentist, minister, lawyer, engineer, architect, accountant, salesman or other similar occupation;
- (4) Typing, word processing or computer operation;
- (5) Teaching with musical or educational instruction limited to two pupils at a time;
- (6) ~~Keeping of a single guestroom Homestay;~~
- (7) Single-chair beauty parlors and barbershops, as major home occupation.

However, a home occupation shall not be interpreted to include the conduct of nursing homes, convalescent homes, rest homes, antique or craft resale, restaurants, tearooms, ~~tourist homes~~, fortunetellers or similar establishments.

An application to conduct all home occupations shall be filed with the town manager/zoning administrator on forms provided by the town manager/zoning administrator. Business licenses are required in accordance with Chapter 18, Finance and Taxation. Such licenses shall be revocable by the town manager/zoning administrator for violations of this section and other applicable sections of this Code. Home occupations shall be classified as either a minor home occupation or a major home occupation.

Home occupation, major. Major home occupations shall consist of all home occupations other than minor home occupations, as defined herein. Major home occupations shall require a conditional use permit pursuant to section 42-8.

Home occupation, minor. A minor home occupation means a residential enterprise where no sales take place whereby property is transferred on-premises from one person to another, or others, for a consideration of value except for products fabricated or manufactured on the residential site, where no hazardous materials are stored or utilized, where on-street parking in conjunction with such operation is confined to the street frontage of the host lot, where no outside indication exists that a business enterprise is conducted on the premises, where there is no group instruction, assembly or activity, and where no more than one utility truck, not exceeding one ton, and one utility trailer associated with the business is stored. In cases where more than one home occupation is located at a residence, no more than one utility truck, not exceeding one ton, and one utility trailer shall be allowed combined between all home occupations at the residence in order to be eligible as a minor home occupation.

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Homestay means an accessory use to a dwelling where the host occupant offers their primary residence or a portion thereof to a guest party for short-term occupancy for compensation in accordance with Sec. 42-664.

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Primary residence means a person's principal home and domicile. If a person maintains more than one residence, their primary residence, for the purpose of this chapter, shall be the residence where they live for more than half of the calendar year.

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ARTICLE XXII. – MISCELLANEOUS PROVISIONS

Sec. 42-664. – Homestay.

A homestay use is permitted as a minor home occupation, where allowed, subject to the following regulations and restrictions:

(a) registration and other requirements

- 1) No host occupant shall operate a homestay or advertise a residential property for homestay use without first registering and obtaining a permit for homestay with the Town.
- 2) The host occupant shall register with the finance department to collect and remit the Town's transient lodging tax and other applicable fees and taxes as set forth in Chapter 18, Finance and Taxation.

- 3) The registration shall be valid from January 1st (or from whatever date the registration first occurs) through December 31st of the calendar year, and shall be renewed annually.

(b) use regulations

- 1) The dwelling shall be the primary residence of the host occupant. Provided the host occupant meets the definition of primary residence, there shall be no limitation on the number of rental days in a calendar year.
- 2) No additional services other than short-term occupancy shall be provided by the host occupant for compensation, including the service of food, beverages, or other event services. This shall not prohibit the host occupant from making available to the guest party food, beverages and other incidental items customarily found within a residence.
- 3) The use of accessory structures for living accommodations shall be prohibited.
- 4) The minimum contract rental period for the guest party shall be 24 hours.
- 5) Occupancy by the guest party shall be limited to two (2) families or eight (8) occupants, whichever number is greater. There shall never be more occupants than permitted by the Virginia Uniform Statewide Building Code.
- 6) No outdoor signs in conjunction with the homestay shall be displayed on the property.
- 7) Parking for the homestay shall be confined to the driveway, garage, or the portion of street right-of-way adjacent to the property. On-street parking limitations shall not apply to property within the B-2, Central Business District.
- 8) The guest party shall not park recreational vehicles, trailers, buses, commercial vehicles or other vehicles of a similar character on the property.
- 9) The garbage and recycling collection schedule and guidelines shall be posted in a prominent location inside the dwelling.

(c) safety regulations

- 1) There shall be a working fire extinguisher located in the kitchen.
- 2) There shall be a working smoke detector in every room where the guest party sleeps.
- 3) There shall be a working carbon monoxide detector within the dwelling if the dwelling contains a gas heater, gas appliance, or an attached garage.

- 4) The dwelling shall provide ingress/egress as required by the Virginia Uniform Statewide Building Code.
- 5) A safety inspection shall be performed by the building and fire departments prior to issuance of a permit for homestay use.

(d) registration suspension or cancellation. The town manager or zoning administrator shall have the authority to suspend or revoke a registration for the following reasons:

- 1) Failure to collect and/or remit the transient occupancy tax or any other fees and taxes as required by Chapter 18, Finance and Taxation.
- 2) Three or more substantiated complaints within a twelve-month period for violations of the use regulations and safety regulations outlined in this section.