

**BOARD OF SUPERVISORS
TRANSPORTATION AND LAND USE COMMITTEE
ACTION ITEM**

SUBJECT: **ZOAM-2018-0001, Short-Term Residential Rentals**

2011 ELECTION DISTRICT(S): Countywide

2022 ELECTION DISTRICT(S): Countywide

CRITICAL ACTION DATE: At the pleasure of the Board

STAFF CONTACT(S): Michelle Lohr, Planning and Zoning
Daniel Galindo, Planning and Zoning

PURPOSE: The purpose of this Zoning Ordinance Amendment (ZOAM) is to amend the Revised 1993 Loudoun County Zoning Ordinance (Zoning Ordinance) to establish new short-term residential rental (STRR) uses that include: 1) the Short-Term Rental-Residential Accessory (STR-RA) use, which is an accessory use to a principal dwelling unit; and 2) the Short-Term Rental-Commercial Whole House (STR-CWH) use, which is a principal use located in a single family detached dwelling that is solely used as a STRR use. The item also proposes to specify the zoning districts that will permit the STR-CWH use either by-right, with Minor Special Exception (SPMI) approval, or with Special Exception (SPEX) approval, establish new definitions for the STR-RA and STR-CWH uses, and establish new regulations for the STR-RA and STR-CWH uses to mitigate and/or otherwise address the impacts of these new STRR uses.

RECOMMENDATION(S):

Planning Commission: At the Planning Commission (Commission) Work Session on October 13, 2022, the Commission forwarded (8-0-1: Merrithew absent) ZOAM-2018-0001 to the Board of Supervisors (Board) with a recommendation of approval and that language be added to require notification of adjacent property owners of an application for a STR-CWH use.

Staff: Staff supports Board approval of the draft text for ZOAM-2018-0001 as provided in Attachments 1, 2 and 3, with revisions resulting from the Board Public Hearing. Additional staff recommendations are noted for the issues identified in the issues section of this staff report.

BACKGROUND: In preparing ZOAM-2018-0001, staff's goal has been to regulate STRR uses consistent with other similar hospitality and accommodation uses in Loudoun County. Generally, this goal aligns with the feedback received from referral providers, interested stakeholder groups, and the public. Stakeholder groups representing the interests of STRR uses view these uses as

complimentary to other hospitality uses, particularly in the Rural Policy Area. Therefore, the STR-CWH use is being proposed in certain zoning districts as a permitted (by-right) use, an SPMI use, or a SPEX use, which is consistent with how the similar Bed and Breakfast Inn use is administered under the Zoning Ordinance. Staff has provided a comparison (Attachment 4) of the proposed STRR uses with other existing lodging uses allowed under the Zoning Ordinance. Staff notes that the applicable zoning districts for STR-CWH uses, as well as their compatibility in residential neighborhoods, were a topic of discussion during a community meeting held on January 26, 2022, with the Loudoun Coalition of Homeowners and Condominium Associations. The attendees present in that meeting generally agreed with how staff proposes for zoning districts to allow the STR-CWH use as a permitted (by-right), SPMI, or SPEX use.

Planning Commission: The Commission held a public hearing for ZOAM-2018-0001 on June 28, 2022, during which six speakers provided public comment. Five of the speakers were operators or representatives of short-term rental businesses; they discussed issues such as potential grandfathering for businesses currently operating, effects of proposed setback requirements on existing structures, and the ability to operate a short-term rental in an accessory dwelling. The Commission forwarded (8-0-1: Salmon absent) the item to a future Work Session for further discussion. The Commission held two Work Sessions on September 8, 2022, and October 13, 2022. At the October 13, 2022, Work Session, the Commission forwarded (8-0-1: Merrithew absent) the item to the Board with a recommendation of approval. The motion included a recommendation that the proposed draft language be amended to include draft text from the October 13, 2022, Work Session Item that would require notice to adjacent property owners of a proposed STR-CWH use.

Board: of Supervisors: The Board held a public hearing on January 11, 2023, during which 30 speakers provided public comment. Comments focused on concerns regarding the proposed minimum lot size and setback requirements for the STR-CWH use, the maximum rental period for STR-RA uses, parking, grandfathering for businesses currently operating, and guest capacity. Subsequent Board discussion focused on the maximum rental period, occupancy/guest capacity, minimum lot size, yard/setback requirements, grandfathering, parking, proactive enforcement, and the use of Affordable Dwelling Units (ADUs). The Board forwarded (9-0) the item to the February 22, 2023, Transportation and Land Use Committee meeting for further discussion.

ISSUES: Specific issues related to the proposed STRR uses were identified during the Board Public Hearing on January 11, 2023. Those key issues are summarized below, along with staff recommendations.

1. Rental Period: 180-day limit (STR-RA):

Short-Term Rental – Residential Accessory: During the Public Hearing, the Board and public inquired why 180 days was chosen as the “days per calendar year” limit for the STR-RA use. Previously, input from the Rural Economic Development Council had considered reducing the limit to 120 days per calendar year. The consensus of the referral providers, as well as the consensus of Zoning Ordinance Committee members, was to retain the 180-day per calendar year limit.

Staff Recommendation: Staff recommends 180-days per calendar year as the use limitation for STR-RA uses (less than half of the calendar year) to maintain the principal use of the dwelling unit and ensure the STR-RA use remains an accessory use. Staff notes that the 180-day per calendar year limit is included in the proposed definition for the STR-RA use in Article 8 of the Zoning Ordinance.

2. Rental Capacity (STR-RA and STR-CWH) Maximum Guests / Bedrooms:

Rental capacity has been an issue discussed since the initial public outreach for STRRs. The most limiting factor, and a concept that most stakeholders agreed on, was that in no case should the rental capacity exceed the approved individual sewage disposal system's capacity. The Virginia Department of Health regulates systems for dwelling units by the number of bedrooms, based on two persons per bedroom (12VAC5-610-670, Table 5.1).

Public comment centered around a limit of rooms/guests to prevent "party houses" and to recognize that comparable higher intensity uses, such as Bed and Breakfast Inn and Country Inn, adhere to a higher level of standards.

Short-Term Rental – Residential Accessory: Currently, the proposed rental capacity of the STR-RA use allows up to four guest rooms, with a corresponding guest capacity of eight people in a single family detached dwelling (SFD) and four guests in a single family attached dwelling or multifamily dwelling. The limitation of four guest rooms within a SFD correlates to a Bed and Breakfast Homestay use (maximum of four guest rooms). Further, this limitation reinforces that such a use is accessory to the principal residential use, as the permitted occupancy of residential dwellings is customarily determined by the number and size of bedrooms. This requirement establishes the total occupancy for the STRR and does not limit the number of guests that can sleep in a given bedroom at the same time.

Short-Term Rental – Commercial Whole House: The maximum proposed rental capacity of the STRR-CWH use allows up to five guest rooms, with a corresponding guest capacity of ten guests. The proposed limitation on the total number of guests permitted in a STRR is intended to lessen the intensity of the use and ensure compatibility of the STRR with neighboring residential properties.

3. Lot Requirements (STR-CWH):

Short-Term Rental – Commercial Whole House (STR-CWH): When staff initially drafted text for the proposed STR-CWH use, the public input and guidance suggested making the regulations equitable to the Bed and Breakfast Inn use, including the minimum lot size of five acres for STR-CWH uses with seven to ten guests. Other regulations that originated from the Bed and Breakfast Inn use were an increased setback from lot lines (Issue #4 below) and limiting the number of private parties per year and the number of attendees.

The draft text was revised to specifically prohibit private parties in conjunction with the STR-CWH use.

Staff Recommendation: Staff recommends, as reflected in the revised draft in Attachment 2, that the minimum lot size requirement be eliminated. The minimum lot size was intended to lessen the impact of private parties on neighboring properties and is therefore no longer necessary. It should also be noted that the STR-CWH use, when located in zoning districts that allow a higher density and smaller lot sizes, is proposed to require Board approval of a SPMI or SPEX application that will allow for public comment and the ability for the Board to deny the application or impose conditions of approval to mitigate impacts on a case-by-case basis.

4. Yard / Setbacks Requirements (STR-CWH):

Short-Term Rental – Commercial Whole House: As discussed, when staff drafted text to allow the STR-CWH use, public input and guidance suggested making the regulations equitable to the Bed and Breakfast Inn use. In efforts to create STR-CWH use regulations comparable to existing Bed and Breakfast Inn regulations, minimum yard requirements that could exceed those requirements of the applicable zoning district were previously proposed in the draft text. A comparison of STRR to other lodging uses is found in Attachment 4.

Staff Recommendation: Staff recommends, as reflected in the revised draft in Attachment 2, that the yard setback be revised to eliminate the separate 15-foot distance requirement and the statement regarding the minimum yard requirements of the applicable zoning district. The STRR-CWH use, when located in zoning districts that allow a higher density and smaller lot sizes, is proposed to require Board approval of a SPMI or SPEX application that will allow for public comment and the ability for the Board to deny the application or impose conditions of approval to mitigate impacts on a case-by-case basis.

5. Parking Requirements (STR-RA and STR-CWH):

Short-Term Rental – Residential Accessory: Parking requirements for the STR-RA use were developed after reviewing existing Bed and Breakfast Homestay use regulations, and residential use minimum parking requirements. A Bed and Breakfast Homestay use requires a minimum of 2.5 spaces per dwelling unit and one parking space per guest room. A residential use requires two parking spaces per dwelling unit in agricultural zoning districts and three parking spaces per dwelling unit in all other zoning districts. The proposed parking for the STR-RA use is the number of spaces required for the existing dwelling unit(s) plus one off-street parking space for a rental capacity of four guests or fewer, and two off-street parking spaces for a rental capacity of five to eight guests.

Staff Recommendation: Staff recognizes that as an accessory use, many STR-RA uses will be occupied by the operator/manager at the same time as a guest. The draft text has been changed to two parking spaces in agricultural districts and three parking spaces in all other districts, and plus one additional space to accommodate renters. Renters may also use any

of the parking spaces when the operator/manager is not present. Staff maintains that, unless permitted in the applicable district for residential use, on street parking should not count towards the required parking. To accommodate unique situations and lessen the burden on an applicant, the proposed draft includes a provision that would provide authority for the Zoning Administrator to administratively modify the number of parking spaces and permit on-street parking to meet parking requirements for STR-RA uses.

Short-Term Rental – Commercial Whole House: Parking requirements for STR-CWH uses, like STR-RA uses, were developed after reviewing the similar Bed and Breakfast Homestay and Bed and Breakfast Inn use regulations and residential use minimum parking requirements. A Bed and Breakfast Homestay use requires a minimum of 2.5 spaces per dwelling unit and a minimum of one parking space per guest room. A Bed and Breakfast Inn requires 2.5 parking spaces plus one parking space per guest room plus one parking space for each employee. A single-family dwelling unit requires two parking spaces per dwelling unit in agricultural districts and three parking spaces per dwelling unit in all other districts. The proposed parking for STR-CWH was two parking spaces per dwelling unit or one parking space per guest room, whichever is greater, as well as one parking space for the operator or manager. See Attachment 4 for the comparison of uses.

Staff Recommendation: Staff recognizes that most STR-CWH will be occupied only by the guests, and those guests, under one rental contract, reflect an intensity similar to a single-family dwelling. The draft text has been changed to require two parking spaces in agricultural districts and three parking spaces in all other districts, and one additional parking space provided, reserved, or otherwise dedicated, to the operator/manager. Staff further recommends that a provision be added to provide the Zoning Administrator with authority to administratively modify the parking requirements for an STR-CWH use so that unique situations may be reviewed on a case-by-case basis.

6. Proactive Enforcement:

Following the Board Public Hearing, staff discussed the expectations for third-party monitoring and zoning enforcement and how to address compliance issues. During the referral process, and throughout the public outreach portion of the project, Visit Loudoun recommended that the County enter into an agreement with a third-party service provider to monitor compliance with the registration requirement and the Zoning Ordinance regulations for STRR uses. According to Visit Loudoun a third-party compliance service provider can obtain data from short-term residential rental websites to aggregate a database, monitor platforms to assist in the permitting and compliance process (licensing, health inspections, and collection of room taxes), verify listing addresses of properties used as short-term residential rentals, provide reports to understand the scale and scope of short-term residential rentals in Loudoun, and estimate occupancy and rental revenue. Such compliance companies also could send communication directly to hosts to provide information regarding the County's registration requirements, collection and remittance of County taxes, and zoning and permitting information; serve as a 24-hour hotline regarding non-emergency problems for neighbors and guests; identify non-compliant properties; and

work on streaming outreach efforts. Visit Loudoun contracted with a company named Host Compliance (now Granicus) for 20 months to obtain information and provide reporting regarding short-term residential rentals in Loudoun County.

Staff Recommendation: Staff recommends the County use a third-party software to monitor compliance requirements related to STRR uses. Staff anticipates that this service will compare units advertised for short-term rental, with the County's database. If a unit is discovered to not be in compliance, the County can send the operator information about the requirements and how to achieve compliance. Staff has referred to this practice as "proactive education." Further, Zoning Enforcement staff will be equipped with the additional information should a complaint be filed at a property. Zoning Enforcement staff would continue to respond to complaints but would not pursue compliance beyond the aforementioned "proactive education" without a citizen complaint.

7. Prohibition of Affordable Dwelling Units and Unmet Housing Needs Units:

In its referral, the Community Planning Division of the Department of Planning and Zoning stated that the permanent conversion of entire homes into STR-CWH uses raises concerns related to housing affordability, particularly in areas of the County where housing is already limited. The Department of Housing and Community Development provided a referral that discussed the positives and negatives of using accessory units for STRR uses and recommended that STRR use requirements not supersede any applicable ADU ordinances. The impact of STRR uses on housing affordability was a topic that arose on several occasions during the public outreach portion of the project. The specific impact the STR-CWH use may have on the availability of affordable housing is unknown, but a reasonable conclusion is that if a property owner can make more income from offering a dwelling unit or accessory dwelling unit as a STR-CWH use rather than offering the dwelling unit as a longer-term rental or putting the dwelling unit up for sale on the market, then an STR-CWH use is the option that many owners will choose.

Chapter 1450.09 of the Loudoun County Codified Ordinances states that owners or tenants of ADUs must occupy the units as their primary domicile, except under certain circumstances. Therefore, owners of ADUs would not be able to participate as a STR-CWH.

Staff Recommendation: Staff recommends prohibiting the use of ADUs and Unmet Housing Need Units (UHNUs) as STR-RA and STR-CWH to prevent conflicts with Chapter 1450, as well as other Chapters, of the Codified Ordinances.

8. STR-CWH in Different Policy Areas:

The concept of different STR-CWH regulations in different areas of the County was discussed by Board members at the Public Hearing. In order to address the comment, staff offers the following information on how the STR-CWH use is proposed to be classified in different zoning districts as either a permitted (by-right), SPMI, or SPEX use:

STR-CWH use in Non-Suburban District Regulations:

Permitted – AR-1, AR-2, A-10, A-3, RC, JLMA-20, TR-10, TR-3

SPMI – CR-1, CR-2, CR-3, CR-4, JLMA-1, JLMA-2, JLMA-3, TR-2, TR-1

STR-CWH use in Suburban District Regulations:

SPMI – R-1, R-2

SPEX – R-3, R-4, R-8

STR-CWH use in Special & Overlay Districts:

Permitted – PD-RV

SPMI – PD-CV

SPEX – PD-TC, PD-MUB

The proposed additional regulations for the STRR-CWH use will apply in all zoning districts where the STRR-CWH use is listed as a permitted (by-right), SPMI, or SPEX use. Staff believes that the legislative SPMI and SPEX processes in the above zoning districts provide the opportunity for site-specific analysis to determine if a proposed STR-CWH fits appropriately within the existing community and allow the ability for the Board to impose conditions of approval to address identified impacts.

9. Grandfathering:

During the Board Public Hearing, many of the speakers were owners/operators of existing STRRs. Several speakers requested registered STRRs, that are paying Transient Occupancy Tax, be exempted or otherwise grandfathered from the new regulations. Most speakers addressed some of the requirements as insurmountable if their existing business was required to comply with the draft text. Overwhelmingly, the minimum lot size and yard/setback requirements were the most restrictive.

Staff received general concerns regarding the compatibility of commercial hospitality uses in residential areas with smaller lots in the County's historic villages and the negative consequences of STRR uses on the County's historic villages and historic preservation within the County. The interests of historic villages and historic preservation in the context of increasing numbers of STRR uses in these communities was discussed at length by the Unison Preservation Society and others during the Loudoun County Preservation and Conservation Coalition Community Meeting. Suggestions to address compatibility issues

included additional limitations on operating days, strict development standards, and compliance requirements.

Staff Recommendation: Staff appreciates those owner/operators that have voluntarily included their rental units with the County's registry. Under Issue #3, above, staff discusses lot requirements and indicates its support for the updated draft text that does not propose a minimum lot size. Additionally, the updated draft text would not impose an additional yard/setback requirement. Staff acknowledges that not all structures may meet those minimum requirements and therefore supports the draft text in Attachment 2 that incorporates revisions made to lessen the impact that a STRR-CWH use could have on adjacent properties, particularly in areas where non-conforming structures are common (such as in the County's historic villages). In addition, the STRR-CWH use is being proposed as a SPMI or SPEX use in zoning districts with smaller minimum lot size requirements (Attachment 3). Through review of a SPMI or SPEX application, conditions of approval can be imposed by the Board to mitigate specific impacts. The proposed ZOAM-2018-0001 may not address all concerns raised relating to STRR uses and historic villages, but the draft text was revised to address certain concerns.

10. Notice to Adjacent Property Owners: At the Commission Work Sessions, a possible notification requirement for property adjacent to a proposed STR-CWH use was discussed. Staff developed draft language for the Commission to discuss at the October 13, 2022, Work Session that would require an applicant of a STR-CWH use to notify adjacent property owners of a proposed zoning permit application.

Staff Recommendation: Staff does not recommend a requirement to notify adjacent property owners of a proposed zoning permit application for a permitted (by-right) use. Following the Commission Work Session and Commission recommendation, staff further reviewed the draft text for the Commission's proposed notice requirement by an applicant to adjacent property owners and was unable to find any authority under the Code of Virginia to require applicants to provide such notice. To address the Commission recommendation for a notice requirement, staff revised the draft text for the Board Public Hearing to require County staff to provide such notice. However, staff does not support a requirement for County staff to provide notification for STR-CWH uses as there currently are no notification requirements in the Zoning Ordinance for by-right uses (except for the Child Care Home use, which requires notice under [Code of Virginia Section 15.2-2292](#)) and requiring such notice would thereby treat STR-CWH uses differently from other permitted (by-right) uses. Also, such notification will not give the adjacent property owner the ability to affect the ultimate approval of the zoning permit for a STR-CWH use that meets all applicable Zoning Ordinance requirements and has the potential to result in unnecessary costs to applicants and staff because of meritless appeals of zoning permit approvals made to the Board of Zoning Appeals. Staff notes that if the STR-CWH use requires a SPEX or SPMI, then the adjacent property owners will be notified of the Public Hearings. Staff revised Attachment 2 to remove the requirement for notice to adjacent property owners.

FISCAL IMPACT: Staff anticipates that education and enforcement of the regulations will require one additional Zoning Inspector in the Zoning Enforcement Division of the Department of Planning and Zoning. At the October 17, 2019, Board Business meeting, staff presented, and the Board approved a revised ROIA for ZOAM-2018-0001. As part of the October 17, 2019 item, staff reported there would be no fiscal impact associated with this ZOAM. As the effort has progressed through the development of the draft regulations, public outreach, and evaluation of staffing resources, staff has concluded there will be a fiscal impact should the Board chose to adopt this ZOAM. Staffing for one inspector plus equipment for education and enforcement activities is estimated to be an annual cost of \$130,000.00. Costs for a third-party compliance service are estimated to be \$40,000.00 annually.

DRAFT MOTIONS:

1. I move that the Transportation and Land Use Committee forward ZOAM-2018-0001 provided as Attachments 1, 2, and 3 to the February 22, 2023, Transportation and Land Use Committee Action Item to the Board of Supervisors with a recommendation of approval.

OR

2. I move an alternate motion.

ATTACHMENT(S):

1. Short-Term Residential Rental – Residential Accessory Draft Text in Articles 5 and 8 recommended by Planning Commission
2. Short-Term Residential Rental – Commercial Whole House Draft Text in Articles 5 and 8 recommended by Planning Commission
3. Draft Text for the Zoning Districts in Article 2, 3 and 4 to add the Short-Term Rental – Commercial Whole House Use
4. Comparison of STRR and Other Lodging Uses

1 **ZOAM-2018-0001 Short-Term Residential Rental Draft Text (Revised 2-10-2023)**
2 **For February 22, 2023, Transportation and Land Use Committee Meeting**

3
4 **[Changes to draft text following the Planning Commission Public Hearing are in blue ink;**
5 **Changes to draft text following the Board of Supervisors Public Hearing are in green ink;**
6 **moved text is double-underlined;**

7
8 **SHORT-TERM RENTAL – RESIDENTIAL ACCESSORY**
9 **PROPOSED AMENDMENTS TO ARTICLES 5 AND 8**

10
11 **ARTICLE 5**
12 **ADDITIONAL REGULATIONS AND STANDARDS**

13
14 **5-101 Permitted Accessory Uses and Structures.**

15 **(A) Residential.**

16 ...

17 (21) Short-Term Rental – Residential Accessory, pursuant to Section 5-669.

18
19
20 **5-669 Short-Term Rental – Residential Accessory.**

21
22 **(A) Modifications Not Permitted.** Notwithstanding Section 5-600, this Section
23 5-669(A) and Sections 5-669(B), 5-669(C)(2)(b)(i), 5-669(C)(4), 5-
24 669(C)(5), 5-669(C)(7), 5-669(D), 5-669(G), and 5-669(H) below cannot
25 be modified by Minor Special Exception.

26
27 **(B) Registration.** A Short-Term Rental – Residential Accessory use shall be
28 permitted only on a property that is currently registered by the Operator in
29 accordance with Chapter 1470 of the Codified Ordinances of Loudoun
30 County, unless exempt from the registration requirement under Section
31 1470.03.

32
33 **(1) An “Operator” must meet the definition of “Operator” under**
34 Chapter 1470 of the Codified Ordinances of Loudoun County.

35
36 **(2) The annual registration required by Chapter 1470 of the Codified**
37 Ordinances of Loudoun County must be on display in a conspicuous
38 location inside the main entrance into the Short-Term Rental –
39 Residential Accessory use and included with all advertising
40 materials.

(C) **Intensity and Character.**

(1) **Management Requirements.** The Operator, or a Manager designated by the Operator, must be available at all times when the property is occupied by renters to address issues that arise. During all rental periods, the Operator or Manager must:

(a) Respond by phone or electronic means within 30 minutes and be available to be onsite within 60 minutes.

(b) Provide the contact information of the Operator and/or Manager to guests of the Short-Term Rental – Residential Accessory use in writing prior to the beginning of the rental period. The contact information also must be posted in a conspicuous location within the area being used as the Short-Term Rental – Residential Accessory use.

(2) **Rental Capacity.** The following capacity limits apply to a Short-Term Rental – Residential Accessory use per night:

(a) **Guest Rooms.** The number of rooms used for overnight accommodations for guests must not exceed 4 per parcel if owned in fee simple or per ownership unit if under condominium ownership.

(b) **Guest Capacity.** ~~The total number of guests permitted per night must not exceed a maximum of 8 guests per parcel. This requirement is not intended to limit the number of guests that may sleep in each room nor the number of dwelling units per parcel used for the Short Term Rental – Residential Accessory use.~~

(i) **Individual Sewage Disposal System.** For parcels served by an individual sewage disposal system, the total number of guests permitted per night must not exceed the maximum permitted capacity of the individual sewage disposal system, as approved by the Health Department.

(ii) **Single Family Detached Development.** The total number of guests permitted per night must not exceed a maximum of 8 guests per parcel if owned

in fee simple or per ownership unit if under condominium ownership. This requirement is not intended to limit the number of guests that may sleep in each room nor the number of dwelling units per parcel used for the Short-Term Rental – Residential Accessory use.

(iii) **Multi-family Dwelling Unit Development or Single-Family Attached Dwelling Unit Development.** For any multi-family dwelling unit development or single-family attached dwelling unit development that contains multiple principal dwelling units on a single parcel or lot, the total number of guests permitted per night must not exceed a maximum of 4 guests per parcel if owned in fee simple or per ownership unit if under condominium ownership. This requirement is not intended to limit the number of guests that may sleep in each room. dwelling unit, provided all of the requirements of this section can be met.

(3) **Rental Period.** A dwelling unit, or portion thereof, only shall only be used as a Short-Term Rental – Residential Accessory use for a maximum of 180 days per calendar year.

(4) **Food Service Not Permitted.** The Operator or Manager must not prepare, serve, or contract for the catering of, food, or alcoholic beverages for consumption by any guests of the Short-Term Rental – Residential Accessory use. The Short-Term Rental – Residential Accessory use must not contain restaurant facilities; independent cooking facilities, if provided, are for use by the guests only.

(5) **Private Parties and/or Temporary Special Events Not Permitted.** Private parties and/or Temporary Special Events pursuant to Section 5-500(C) are not permitted in association with the Short-Term Rental – Residential Accessory use.

(6) **Dwelling Unit Types Permitted.** A Short-Term Rental – Residential Accessory use is permitted to operate only in a principal dwelling unit and/or in an accessory dwelling unit approved pursuant to Section 5-613.

(7) **Residency Requirement.** The Operator must occupy the dwelling unit ~~be a permanent resident of the parcel that contains the Short-Term Rental – Residential Accessory use is accessory to. For the purposes of this section, a permanent resident is a person who occupies a dwelling unit~~ for a minimum of 185 days out of the calendar year.

(D) **Zoning Permit Requirements.** A Zoning Permit is required for all Short-Term Rental – Residential Accessory uses.

(1) In addition to the requirements of Section 6-1000, the Zoning Permit application must include authorization for the Zoning Administrator to conduct an inspection prior to approval of the Zoning Permit to verify compliance with all applicable Zoning Ordinance requirements as well as the following:

(a) Written consent from the property owner.

(b) The name and contact information of the Operator and/or Manager.

(c) The type of dwelling unit(s) that will be rented.

(d) The address of the dwelling unit(s) that will be rented.

(e) The maximum rental capacity.

(f) The type of water and sewer service for the proposed use.

(g) Any required Virginia Uniform Statewide Building Ceode (Part 1 Virginia Construction Code and Part 2 Virginia Existing Building Code) approval(s) from the Department of Building and Development, Virginia Statewide Ffire Prevention Ceode approval(s) from the Fire Marshal, and Health Department approval.

(h) A drawing that shows the location of the dwelling unit(s) being rented and the required parking on the parcel that is subject to the Zoning Permit application.

(i) A floor plan of the dwelling unit(s) being rented illustrating conformance with the safety requirements of Section 5-669(G).

(2) The approved Zoning Permit for the Short-Term Rental – Residential Accessory use must be displayed in a conspicuous location upon entry into the Short-Term Rental- Residential Accessory use and included with all advertising materials.

(3) The Zoning Permit for a Short-Term Rental – Residential Accessory use is valid for only the original Operator and dwelling unit(s) listed on the Zoning Permit application and is not transferable to any other future Operator or other property. Changes to the information pertaining to the Operator or dwelling unit(s) listed on the Zoning Permit will require the approval of a new Zoning Permit.

(4) No more than one Zoning Permit for a Short-Term Rental – Residential Accessory use shall be permitted per parcel if owned in fee simple or per ownership unit if under condominium ownership. Such zoning permit shall list all principal and/or accessory dwelling units to be used for the Short-Term Rental – Residential Accessory use.

(5) A Zoning Permit for a Short-Term Rental – Residential Accessory use is not permitted on a parcel that is subject to an approved zoning permit for a Bed and Breakfast Homestay use, Bed and Breakfast Inn use, Country Inn use, Rural Retreats and Resorts use, Campground Use, or Short-Term Rental – Commercial Whole House use.

(6) The County's approval of a Zoning Permit for a Short-Term Residential Accessory use through the issuance of a Zoning Permit is not intended to abrogate, annul, or otherwise interfere with any easement, covenant or other private agreement or legal relationship, such as those of a Homeowners' Association or Condominium Owners' Association. However, where the regulations of this Ordinance are more restrictive or impose higher standards or requirements than such easements, covenants or other private agreements or legal relationships, the regulations of this Ordinance must govern.

(E) **Simultaneous Rental Contracts Not Permitted.** All guests staying within the same dwelling unit during a rental period for a Short-Term Rental – Residential Accessory use must be covered under the same rental agreement.

(F) **Parking Requirements.**

(1) In addition to the off-street parking spaces required for the existing dwelling unit(s) and any other uses on the parcel pursuant to Section 5-1100, one (1) off-street parking space must be provided. the following parking requirements apply:

(a) For a rental capacity of 4 guests or fewer, one (1) off street parking space must be provided.

(b) For a rental capacity of 5 to 8 guests, two (2) off street parking spaces must be provided.

(2) The Zoning Administrator may modify the parking requirements of this Section if the Operator can demonstrate that the requirements of this Section cannot be met because of (a) the exceptional size and/or shape of the lot; (b) environmental or engineering constraints on the lot; (c) special accessibility needs; or (d) other extraordinary situations or conditions of the lot. The Zoning Administrator may attach conditions to any modification to ensure that the results of the modification will be in accordance with the purpose and intent of this Section.

(3) On-street parking may not count towards the required parking unless specifically requested and approved pursuant to Section 5-669(F)(2).

(G) **Safety Requirements.** Dwelling units used for the Short-Term Rental – Residential Accessory use must meet the following requirements:

(1) Each room used for overnight accommodations and floor must have an operational smoke detector that is interconnected with the smoke detectors in the rest of the structure.

(2) Each floor must have at least one operational fire extinguisher in a conspicuous location that is clearly marked and accessible to guests.

- (3) Each floor must have at least one operational carbon monoxide detector.
- (4) All rooms that may be used for overnight accommodations must have at least two means of egress, as defined by the Building Code continuous and unobstructed egress travel to the outside of the dwelling unit on the ground floor.
- (5) A fire safety plan and emergency contact information, including the contact information for the Operator or Manager, local law enforcement, and fire and rescue, must be posted in a conspicuous location.
- (H) Use of Affordable Dwelling Unit Developments and Unmet Housing Needs Units (UHNUs) Not Permitted. All units provided pursuant to ~~in~~ accordance with Article 7 of this Ordinance and UHNUs provided in accordance with proffered conditions cannot be used for Short-Term Rental – Commercial Whole House Rental-Residential Accessory uses.

ARTICLE 8 DEFINITIONS

S

Short-Term Rental – Residential Accessory: The renting of a portion or the entirety of a dwelling unit as an accessory use to a principal dwelling unit ~~that is the primary residence of the Operator,~~ for a period of fewer than 30 consecutive days, and no more than 180 days per calendar year, in exchange for a charge for the occupancy or other considerations. The Operator must occupy the dwelling unit that the Short-Term Rental – Residential Accessory use is accessory to for a minimum of 185 days out of the calendar year.

ZOAM-2018-0001 Short-Term Residential Rental Draft Text (Revised 2-15-2023)
For February 22, 2023, Transportation and Land Use Committee Meeting

[Changes to draft text following the Planning Commission Public Hearing are in blue ink;
Changes to draft text following the Board of Supervisors Public Hearing are in green ink;
moved text is double-underlined]

SHORT-TERM RENTAL – COMMERCIAL WHOLE-HOUSE
PROPOSED AMENDMENTS TO ARTICLES 5 AND 8

ARTICLE 5
ADDITIONAL REGULATIONS AND STANDARDS

5-670 **Short-Term Rental – Commercial Whole-House**

- (A) **Modifications Not Permitted.** Notwithstanding Section 5-600, this Section 5-670(A) and Sections 5-670(B), 5-670(C)(2)(b)(i), 5-670(C)(4), 5-670(C)(5), 5-670(D), 5-670(I), and 5-670(K) cannot be modified by Minor Special Exception.
- (B) **Registration.** A Short-Term Rental – Commercial Whole-House use shall be permitted only on a property that is currently registered by the Operator in accordance with Chapter 1470 of the Codified Ordinances of Loudoun County, unless exempt from the registration requirement under Section 1470.03.
- (1) An “Operator” must meet the definition of “Operator” found in Chapter 1470 of the Codified Ordinances of Loudoun County.
- (2) The annual registration required by Chapter 1470 of the Codified Ordinances of Loudoun County must be on display in a conspicuous location inside the main entrance into the Short-Term Rental – Commercial Whole-House use and included with all advertising materials.
- (C) **Intensity and Character.**
- (1) **Management Requirements.** The Operator, or a Manager designated by the Operator, must be available during all times when

the property is occupied by renters to address issues that arise.
During all rental periods, the Operator or Manager must:

- (a) Respond by phone or electronic means within 30 minutes and be available to be onsite within 60 minutes.
- (b) Provide the contact information for the Operator and/or Manager to guests of the Short-Term Rental – Commercial Whole House use in writing prior to the beginning of the rental period. The contact information also must be posted in a conspicuous location within the Short-Term Rental – Commercial Whole House use.

(2) **Rental Capacity.** The following capacity limits apply to a Short-Term Rental – Commercial Whole-House use per night:

- (a) **Guest Rooms.** The number of rooms used for overnight accommodations for guests must not exceed 5 per parcel if owned in fee simple or per ownership unit if under condominium ownership.

- (b) **Guest Capacity.** ~~The total number of guests permitted per night must not exceed a maximum of 10 guests per parcel. This requirement is not intended to limit the number of guests that may sleep in each room nor the number of dwelling units per parcel used for the Short-Term Rental – Commercial Whole House use.~~

- (i) **Individual Sewage Disposal System.** For parcels served by an individual sewage disposal system, the total number of guests permitted per night must not exceed the maximum permitted capacity of the individual sewage disposal system, as approved by the Health Department.

- (ii) **Maximum Number of Guests.** The total number of guests permitted per night must not exceed a maximum of 10 guests per parcel if owned in fee simple or per ownership unit if under condominium ownership. This requirement is not intended to limit

80 the number of guests that may sleep in each room,
81 nor the number of dwelling units per parcel used for
82 the Short-Term Rental – Commercial Whole House
83 use.

84
85 ~~(3)~~ **Minimum Lot Area.** The minimum lot area, if owned in fee simple,
86 or ownership unit area, if under condominium ownership, for a
87 Short Term Rental – Commercial Whole House use with a total
88 guest capacity of greater than 6 guests per night is 5 acres.

89
90 ~~(4)~~(3) **Food Service Not Permitted.** The Operator or Manager must not
91 prepare, serve, or contract for the catering of food or alcoholic
92 beverages for consumption by any guests of the Short-Term Rental
93 – Commercial Whole-House use. The Short-Term Rental –
94 Commercial Whole-House use must not contain restaurant facilities;
95 the dwelling unit’s independent cooking facilities are for use by the
96 guests only.

97
98 ~~(5)~~(4) **Private Parties and/or Temporary Special Events Not**
99 **Permitted.** Private parties and/or Temporary Special Events
100 pursuant to Section 5-500(C) are not permitted in association with
101 the Short-Term Rental – Commercial Whole-House use.

102
103 ~~(6)~~(5) **Dwelling Unit Types Permitted.** A Short-Term Rental –
104 Commercial Whole-House use is permitted to operate only in a non-
105 owner-not otherwise occupied-single family detached dwelling unit
106 and/or in a non-owner-not otherwise occupied accessory dwelling
107 unit approved pursuant to Section 5-613 that is accessory to a
108 principal single family detached dwelling unit.

109
110 ~~(7)~~ **Yards. Standards.** All structures used for a Short Term Rental –
111 Commercial Whole House use STR-CWH must be located no closer
112 than set back a minimum of 15’ feet from all lot lines or the minimum
113 yard requirements of the applicable zoning district, whichever is
114 greater. The minimum yard requirements of the applicable zoning
115 district cannot be modified by minor special exception.

116
117 ~~(8)~~ **Notice to Adjacent Property Owners.** Prior to the approval of a
118 Zoning Permit for a Short Term Rental – Commercial Whole House
119 use, the County must send, by first class mail, written notice of the

~~Zoning Permit application to the last known address of the owner of each adjacent property as shown on the County's current real estate tax assessment records. For the purposes of this section "adjacent" shall mean properties abutting the subject property and all property immediately and diagonally across the street or road from the subject property. Such written notice shall include the following information:~~

- ~~(a) A statement that a Zoning Permit application for a Short-Term Rental – Commercial Whole-House use has been submitted to the County.~~
- ~~(b) The address of the property subject to the Zoning Permit application for the Short-Term Rental – Commercial Whole-House use.~~
- ~~(c) A copy of the Zoning Permit application that includes the phone number of the Operator or Manager to call in the event of an issue on the property.~~

(D) **Zoning Permit Requirements.** A Zoning Permit is required for all Short-Term Rental – Commercial Whole-House uses.

(1) In addition to the requirements of Section 6-1000, the Zoning Permit application must include authorization for the Zoning Administrator to conduct an inspection prior to approval of the Zoning Permit to verify compliance with all applicable Zoning Ordinance requirements as well as the following:

- (a) Written consent from the property owner.
- (b) The name and contact information of the Operator and/or Manager.
- (c) The type of dwelling unit(s) that will be rented.
- (d) The address of the dwelling unit(s) that will be rented.
- (e) The maximum rental capacity.
- (f) The type of water and sewer service for the proposed use.
- (g) Any required Virginia Uniform Statewide Building Code (Part 1 Virginia Construction Code and Part 1 Virginia

Existing Building Code) approval(s) from the Department of Building and Development, Virginia Statewide Fire Prevention Code approval(s) from the Fire Marshal, and Health Department approval.

(h) A drawing that shows the location of the dwelling unit(s) being rented and the required parking on the parcel that is subject to the Zoning Permit application.

(i) A floor plan of the dwelling unit(s) being rented illustrating conformance with the safety requirements of Section 5-670(I).

(2) The approved Zoning Permit for the Short-Term Rental – Commercial Whole-House use must be displayed in a conspicuous location upon entry into the Short-Term Rental – Commercial Whole-House use and included with all advertising materials.

(3) The Zoning Permit for a Short-Term Rental – Commercial Whole-House use is valid for only the original Operator and dwelling unit(s) listed on the Zoning Permit application and is not transferable to any other future Operator or other property. Changes to the information pertaining to the Operator or dwelling unit(s) listed on the Zoning Permit will require the approval of a new Zoning Permit.

(4) No more than one Zoning Permit for a Short-Term Rental – Commercial Whole-House use shall be permitted per parcel. Such zoning permit shall list all principal and/or accessory dwelling units to be used for the Short-Term Rental – Commercial Whole-House use.

(5) A Zoning Permit for a Short-Term Rental – Commercial Whole-House use is not permitted on a parcel that is subject to an approved Zoning Permit for a Bed and Breakfast Homestay use, Bed and Breakfast Inn use, Country Inn use, Rural Retreats and Resorts use, Campground Use, or for a Short-Term Rental – Residential Accessory use.

(6) The County's approval of a Zoning Permit for a Short-Term Rental – Commercial Whole House use through the issuance of a Zoning Permit is not intended to abrogate, annul, or otherwise interfere with

any easement, covenant or other private agreement or legal relationship, such as those of a Homeowners' Association or Condominium Owners' Association. However, where the regulations of this Ordinance are more restrictive or impose higher standards or requirements than such easements, covenants or other private agreements or legal relationships, the regulations of this Ordinance must govern.

(E) **Simultaneous Rental Contracts Not Permitted.** All guests staying within the same dwelling unit during a rental period for a Short-Term Rental – Commercial Whole-House use must be covered under the same rental agreement.

(F) **Parking Requirement.** ~~The required off street parking spaces for a Short-Term Rental – Commercial Whole House Rental use are 2 per dwelling unit or 1 per room used for overnight accommodations for guests, whichever is greater. In addition, 1 parking space must be provided for the Operator and/or Manager. On street parking does not count towards required parking.~~

(1) In addition to the off-street parking spaces required for the existing dwelling unit(s) and any other uses on the parcel pursuant to Section 5-1100, one (1) off-street parking space must be provided.

(2) The Zoning Administrator may modify the parking requirements of this Section if the Operator can demonstrate that the requirements of this Section cannot be met because of (a) the exceptional size and/or shape of the lot; (b) environmental or engineering constraints on the lot; (c) special accessibility needs; or (d) other extraordinary situations or conditions of the lot. The Zoning Administrator may attach conditions to any modification to ensure that the results of the modification will be in accordance with the purpose and intent of this Section.

(3) On-street parking may not count towards the required parking unless specifically requested and approved pursuant to Section 5-669(F)(2).

(G) **Exterior Lighting.** Exterior lighting for a Short-Term Rental – Commercial Whole-House use is subject to Sections 5-652(A)(2), and 5-652(A)(3). The

241 maximum height of pole-mounted exterior lighting for a Short-Term Rental
242 – Commercial Whole-House use is 12 feet.

243
244 (H) **Roads/Access.** For any Short-Term Rental – Commercial Whole-House use
245 that is located on a parcel which does not have frontage on a Class I or Class
246 II Road, documentation shall be provided to the Zoning Administrator, at
247 the time of Zoning Permit application, demonstrating that the private road
248 access easement serving such lot may be used to provide access to the Short-
249 Term Rental – Commercial Whole-House use.

250
251 (I) **Safety Requirements.** Dwelling units used for the Short-Term Rental –
252 Commercial Whole-House use must meet the following requirements:

253
254 (1) Each room used for overnight accommodations and floor must have
255 an operational smoke detector that is interconnected with the smoke
256 detectors in the rest of the structure.

257
258 (2) Each floor must have at least one operational fire extinguisher in a
259 conspicuous location that is clearly marked and accessible to guests.

260
261 (3) Each floor must have at least one operational carbon monoxide
262 detector.

263
264 (4) All rooms that may be used for overnight accommodations must
265 have at least two means of egress, as defined by the Building Code
266 continuous and unobstructed egress to the outside of the dwelling
267 unit on the ground floor.

268
269 (5) A fire safety plan and emergency contact information, including the
270 contact information for the Operator or Manager, local law
271 enforcement, and fire and rescue, must be posted in a conspicuous
272 location.

273
274 ~~(J) — A structure existing prior to January 7, 2003, located within an Historic Site~~
275 ~~District or Historic and Cultural Conservation District may be used as a~~
276 ~~Short-Term Rental — Commercial Whole-House use and shall be exempt~~
277 ~~from the minimum lot area requirements specific above, provided that any~~
278 ~~expansion or enlargement of such structure shall not exceed 15% of the total~~
279 ~~floor area existing prior to January 7, 2003, unless a greater expansion is~~
280 ~~approved by Minor Special Exception, pursuant to Section 6-1300.~~

(J) Use of Affordable Dwelling Unit Developments and Unmet Housing Needs Units (UHNUs) Not Permitted. All units provided pursuant to in accordance with Article 7 of this Ordinance and UHNUs provided in accordance with proffered conditions cannot be used for Short-Term Rental – Commercial Whole House Rental uses.

ARTICLE 8 DEFINITIONS

S

Short-Term Rental – Commercial Whole House: The renting of a non-owner-not otherwise occupied single family detached dwelling unit or a non-owner-not otherwise occupied accessory dwelling unit that is accessory to a principal single family detached dwelling unit, in which the entire dwelling unit is used for providing overnight accommodations for a period of fewer than 30 consecutive days in exchange for a charge for the occupancy or other considerations. A Short-Term Rental – Commercial Whole House use is counted as a dwelling unit for purposes of density calculations.

**ZOAM-2018-0001 Short-Term Residential Rental Draft Text
For February 22, 2023 Transportation and Land Use Committee Meeting**

PROPOSED AMENDMENTS TO ARTICLES 2, 3, 4

Amendments to Article 2, Non-Suburban District Regulations:

Add “Short-Term Rental – Commercial Whole House” as a Permitted use in the following districts:

- AR-1 (Agricultural Rural – 1) (Section 2-100), pursuant to Section 5-670
- AR-2 (Agricultural Rural – 2) (Section 2-200), pursuant to Section 5-670
- A-10 (Agriculture) (Section 2-300), pursuant to Section 5-670
- A-3 (Agricultural Residential) (Section 2-400), pursuant to Section 5-670
- RC (Rural Commercial) (Section 2-900), pursuant to Section 5-670
- JLMA-20 (Joint Land Management Area – 20) (Section 2-1300), pursuant to Section 5-670
- TR-10 (Transitional Residential – 10) (Section 2-1400), pursuant to Section 5-670
- TR-3 (Transitional Residential – 3) (Section 2-1500), pursuant to Section 5-670

Add “Short-Term Rental – Commercial Whole House” as a Minor Special Exception use in the following zoning districts:

- CR-1 (Countryside Residential – 1) (Section 2-500), pursuant to Section 5-670
- CR-2 (Countryside Residential – 2) (Section 2-600), pursuant to Section 5-670
- CR-3 (Countryside Residential – 3) (Section 2-700), pursuant to Section 5-670
- CR-4 (Countryside Residential – 4) (Section 2-800), pursuant to Section 5-670
- JLMA-1 (Joint Land Management Area – 1) (Section 2-1000), pursuant to Section 5-670
- JLMA-2 (Joint Land Management Area – 2) (Section 2-1100), pursuant to Section 5-670
- JLMA-3 (Joint Land Management Area – 3) (Section 2-1200), pursuant to Section 5-670
- TR-2 (Transitional Residential – 2) (Section 2-1600), pursuant to Section 5-670
- TR-1 (Transitional Residential – 1) (Section 2-1700), pursuant to Section 5-670

Amendments to Article 3, Suburban District Regulations:

Add “Short-Term Rental – Commercial Whole House” as a Minor Special Exception use in the following zoning districts:

- R-1 (Single Family Residential) (Section 3-100), pursuant to Section 5-670
- R-2 (Single Family Residential) (Section 3-200), pursuant to Section 5-670

Add “Short-Term Rental – Commercial Whole House” as a Special Exception use in the following zoning districts:

- R-3 (Single Family Residential) (Section 3-300), pursuant to Section 5-670
- R-4 (Single Family Residential) (Section 3-400), pursuant to Section 5-670
- R-8 (Single Family Residential) (Section 3-500), pursuant to Section 5-670

Amendments to Article 4, Special & Overlay Districts:

Add “Short-Term Rental – Commercial Whole House” as a Permitted use in the following zoning district:

- PD-RV (Planned Development–Rural Village) (Section 4-1200), pursuant to Section 5-670

Add “Short-Term Rental – Commercial Whole House” as a Minor Special Exception use in the following zoning district:

- PD-CV (Planned Development–Countryside Village) (Section 4-900), pursuant to Section 5-670

Add “Short-Term Rental – Commercial Whole House” as a Special Exception use in the following zoning districts:

- PD-TC (Planned Development–Town Center) (Section 4-800), pursuant to Section 5-670
- PD-MUB (Planned Development – Mixed Use Business District) (Section 4-1350), pursuant to Section 5-670

Bed and Breakfast, Country Inn, and Short-Term Rental Uses

QUICK FACTS and SUMMARY TABLE

Revised 2-15-23 for February 22, 2023 Transportation and Land Use Committee Meeting

Staff Proposed Changes following the Board of Supervisors Public Hearing in Red Text

	BED AND BREAKFAST HOMESTAY (Section 5-601(A))	BED AND BREAKFAST INN (Section 5-601(B))	COUNTRY INN (Section 5-601(C))	SHORT TERM RENTAL - COMMERCIAL WHOLE HOUSE (STR-CWH) (Section 5-670) (DRAFT)	SHORT TERM RENTAL – RESIDENTIAL ACCESSORY (STR-RA) (Section 5-669) (DRAFT)
Management	Owner of the premises shall reside on the premises and manage the Bed and Breakfast Homestay.	Owner or Manager of the premises shall provide full-time management at all times when the Bed and Breakfast Inn is occupied by overnight guests or private party attendees.	Owner or Manager of the premises shall provide full-time management at all times when the Country Inn is occupied by overnight guests or private party attendees.	Contact information of the Operator and/or Manager must be provided in writing to guests of the STR-CWH use and located in a conspicuous location. No requirement for the Operator to be present on the parcel during rental periods. Operator or Manager must be available at all times when the property is occupied by renters and must respond within 30 minutes via phone or email and be available on site within 60 minutes.	Operator shall reside on the parcel that contains the STR-RA use for a minimum of 185 days per calendar year. Contact information of the Operator and/or Manager must be provided in writing to guests and located in a conspicuous location. No requirement for the Operator to be present on the parcel during rental periods. Operator or manager must be available at all times when the property is occupied by renters and must respond within 30 minutes via phone or email and be available on site within 60 minutes.
Maximum Operating Days per Year	Unlimited (N/A)	Unlimited (N/A)	Unlimited (N/A)	Unlimited (N/A)	Maximum of 180 days per calendar year
Maximum Number of Guest Rooms	1-4 Guest Rooms.	1-10 Guest Rooms.	1-40 Guest Rooms.	5 Guest Rooms per parcel or ownership unit. 10 Guests per parcel or ownership unit (or less depending on building code and/or individual sewage disposal system requirements).	4 Guest Rooms per parcel or ownership unit. 8 Guests per parcel or ownership unit (depending on building code and/or individual sewage disposal system requirements). 4 Guests per parcel or ownership unit in multi-family dwelling unit or single family attached dwelling unit developments.
Minimum Lot Size	No Minimum Lot Size.	Minimum 5 Acres.	Minimum 20 Acres.	No Minimum Lot Size.	No Minimum Lot Size.
Daily Private Parties (Attendees)	Maximum 20 Attendees, including overnight guests.	Maximum 50 Attendees, including overnight guests.	Maximum 100 Attendees, including overnight guests.	Private parties and/or Special Events pursuant to Section 5-500(C) are not permitted in association with the STR-CWH use.	Private parties and/or Special Events pursuant to Section 5-500(C) are not permitted in association with the STR-RA use.
Yearly Private Parties (Attendees)	10 Yearly Private Parties >20 Attendees, subject to individual Zoning/Building Permit.	20 Yearly Private Parties >50 Attendees, subject to individual or annual Zoning/Building Permit.	20 Yearly Private Parties >100 Attendees, subject to individual or annual Zoning/Building Permit.	Private parties are not permitted in conjunction with the STR-CWH use.	Private parties are not permitted in conjunction with the STR-RA use.
Hours of Operation	All Private Parties shall be limited to 7:00 AM to midnight.	All Private Parties shall be limited to 7:00 AM to midnight.	All Private Parties shall be limited to 7:00 AM to midnight.	No specified hours of operation (no private parties permitted).	No specified hours of operation (no private parties permitted).
Noise	Shall not exceed 55dB(A) at the property line. No outdoor music shall be permitted between 11:00 PM and 10:00 AM on Friday, Saturday, and any evening preceding a holiday recognized by Loudoun County, and between 10:00 PM and 10:00 AM any other day.	Shall not exceed 55dB(A) at the property line. No outdoor music shall be permitted between 11:00 PM and 10:00 AM on Friday, Saturday, and any evening preceding a holiday recognized by Loudoun County, and between 10:00 PM and 10:00 AM any other day.	Shall not exceed 55dB(A) at the property line. No outdoor music shall be permitted between 12:00 AM (midnight) and 7 AM.	No additional noise regulations. General Noise Standards in Zoning Ordinance Section 5-1507 Performance Standards apply.	No additional regulations. General Noise Standards in Zoning Ordinance Section 5-1507 Performance Standards apply.
Yard Requirements	Use and Parking: Subject to Zoning District Requirements.	Use: Subject to Zoning District Requirements. Parking: 40 feet from all lot lines (Yard Standards).	Use and Parking: 100 feet from all lot lines. Outdoor Private Parties: 200 feet from all lot lines unless adjacent to commercial property then 100 feet.	No additional minimum yard requirement for use.	No additional minimum yard requirement for use. Subject to Zoning District Requirements for the permitted principal use.

	BED AND BREAKFAST HOMESTAY (Section 5-601(A))	BED AND BREAKFAST INN (Section 5-601(B))	COUNTRY INN (Section 5-601(C))	SHORT TERM RENTAL - COMMERCIAL WHOLE HOUSE (STR-CWH) (Section 5-670) (DRAFT)	SHORT TERM RENTAL – RESIDENTIAL ACCESSORY (STR-RA) (Section 5-669) (DRAFT)
Minimum Parking	2.5/ dwelling unit; 1/guest room; .33/permitted private party attendee.	2.5/dwelling unit; 1/guest room, 1/employee; .33/private party attendee.	1/guest room; 15/1,000 sq. ft. for restaurants & kitchen area only; .33/permitted private party attendee	Minimum residential parking pursuant to Section 5-1100, plus 1 space. On street parking does not count towards required parking. The Zoning Administrator may modify the parking requirements.	Minimum residential parking pursuant to Section 5-1100, plus 1 space. On street parking does not count towards required parking. The Zoning Administrator may modify the parking requirements.
Landscaping	Outdoor Private Party areas shall meet the requirements of Section 5- 1404(A)(6), regardless of the size of the adjacent property. This requirement may be waived or modified. See Section 5-601.	Outdoor Private Party areas shall meet the requirements of Section 5- 1404(A)(6), regardless of the size of the adjacent property. This requirement may be waived or modified. See Section 5-601. Parking areas shall comply with Section 5-1407.	Outdoor Private Party areas shall meet the requirements of Section 5-1404(A)(6), regardless of the size of the adjacent property. This requirement may be waived or modified. See Section 5-601. Parking areas shall comply with Section 5-1407.	Subject to Zoning District and Zoning Ordinance Requirements.	Subject to Zoning District and Zoning Ordinances Requirements for the permitted principal use.
Access/Entrance	If establishment is not located on a publicly maintained road, documentation shall be provided demonstrating that the private access easement serving such lot may be used to support the establishment.	Subject to Section 5-654. No more than two access points. If establishment is not located on a publicly maintained road, documentation shall be provided demonstrating that the easement may be used to support the establishment.	Subject to Section 5-654. No more than two access points. If establishment is not located on a publicly maintained road, documentation shall be provided demonstrating that the easement may be used to support the establishment.	If establishment is not located on a Class I or Class II Road, documentation shall be provided demonstrating that the private road serving such lot may be used to provide access to the STR- CWH use.	Subject to Zoning District and Zoning Ordinance Requirements for the permitted principal use.
Zoning Districts (Permitted Use; SPMI: Minor Special Exception Use; and SPEX: Special Exception Use)	<u>Permitted Use:</u> AR-1, AR-2, A-10, A-3, CR-1, CR-2, RC, JLMA-1, JLMA-2, JLMA-3, JLMA-20, TR-10, TR-3, TR-2, TR-1, R-1, R-2, PD-CV(VN), PD-CV(VC), PD-CV(VCVSC), PD-RV(VCSC), and PD- RV(VCRA).	<u>Permitted Use:</u> AR-1, AR-2, A-10, A-3, RC, JLMA-20, TR-10, TR-3, PD-CV(VC), PD-CV(VCVSC), PD-RV(VCRA), and PD- RV(VCCWA). <u>SPMI:</u> CR-1, CR-2, CR-3, JLMA-1, JLMA- 2, JLMA-3, TR-2, TR-1, R-1, and R-2.	No Restaurant <u>Permitted Use:</u> AR-1, AR-2, RC, and PD- RV(VCCWA). <u>SPMI Use:</u> A-10, A-3, CR-1, CR-2, CR-3, CR- 4, JLMA-3, JLMA-20, TR-10, and TR-3(LBR). With Restaurant <u>Permitted Use:</u> AR-1 and AR-2 (<100 people), and RC and PD-RV(VCCWA). <u>SPMI Use:</u> AR-1 and AR-2 (>100 people). <u>SPEX Use:</u> A-10, A-3, CR-1, CR-2, CR-3, CR- 4, JLMA-3, JLMA-20, TR-10, and TR-3(LBR).	<u>Permitted Use:</u> AR-1, AR-2, A-10, A-3, RC, JLMA- 20, TR-10, TR-3, PD-RV. <u>SPMI:</u> CR-1, CR-2, CR-3, CR-4, JLMA-1, JLMA-2, JLMA-3, TR-2, TR-1, R-1, R-2, PD-CV. <u>SPEX:</u> R-3, R-4, R-8, PD-TC, and PD-MUB	Permitted only as an accessory use to an existing (approved) principal residential use.
Land Development Applications	▪ Site Plan ≥ 5,000 sq. ft. of disturbance or ▪ Sketch Plan < 5,000 sq. ft. of disturbance	▪ Minor Special Exception and/or ▪ Site Plan ≥ 5,000 sq. ft. disturbance or ▪ Sketch Plan < 5,000 sq. ft.	▪ Special Exception or ▪ Minor Special Exception and/or ▪ Site Plan	▪ Special Exception or ▪ Minor Special Exception and/or ▪ Drawing accompanying Zoning Permit	▪ Drawing accompanying Zoning Permit
Permits	▪ Zoning Permit/Building Permit for Use. ▪ Zoning Permit/Building Permit for each Private Party >20 attendees (10 per calendar year).	▪ Zoning Permit/Building Permit for Use. ▪ Annual Private Party Zoning Permit/Building Permit for Private Parties >50 attendees (20 per calendar year).	▪ Zoning Permit/Building Permit for Use. ▪ Annual Private Party Zoning Permit/Building Permit for Private Parties >50 attendees (20 per calendar year).	▪ Zoning Permit/Building Permit for Use with Drawing.	▪ Zoning Permit/Building Permit for Use with Drawing.