

DRAFT STRAWMAN – Development Process Committee, January 30, 2018  
ZONING ORDINANCE AMENDMENT FOR SHORT-TERM LODGING IN RENTAL  
MULTIPLE FAMILY DWELLING UNIT DEVELOPMENTS

**PROPOSED SHORT-TERM LODGING PROVISIONS IN RENTAL MULTIPLE  
FAMILY DWELLING UNIT DEVELOPMENTS**

*(All proposed provisions under this section are new, but are not underlined for ease of reading.)*

Short-term lodging is permitted in multiple family dwelling unit developments subject to the following:

**Permitted Short-Term Lodging Use in a Rental Multiple Family Dwelling Unit  
Development with Property Management**

*[In the event that the Board does not want to permit this use, this entire section will be deleted.]*

1. In any rental multiple family dwelling unit development located in a Transit Station Area, as defined in the Comprehensive Plan, the Board may approve in conjunction with a Rezoning Application or as a Special Exception, short-term lodging use in a rental multiple family dwelling unit development, **except in work force or affordable housing units<sup>1</sup>** subject to the following limitations:
  - A. The Board may approve, in conjunction with a Rezoning Application, rental of a maximum of **fifty (50)** percent of the units in any multiple family dwelling unit rental building, as short-term lodging in new multiple family dwelling unit developments during the lease-up period for a period not to exceed the lesser of **one (1) year or the lease-up period identified in the development's lending document.**  
*[To be advertised to allow the Board to adopt a provision from **1 years to 3 years** and rental of **25% to 50%** of the total number of units in a building.]*
  - B. The Board may approve a rezoning, amendment to a rezoning, or special exception to allow short-term lodging not to exceed a maximum of **ten (10)** percent of the total unit count in existing multiple family dwelling unit rental buildings.  
*[To be advertised to allow the Board to adopt a provision from **5% to 10%** of the total unit count in existing multiple family dwelling unit rental buildings to be used as short-term lodging.]*
2. Any multiple family dwelling unit offered for short-term lodging under the provisions of this chapter must meet the following minimum requirements:
  - A. All advertisements for short-term lodging must state whether a designated off-street parking space is available to the lodger during the term of the short-term lodging contract. If no off-street parking is provided, all advertisements must specify where lodgers are authorized to park.

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<sup>1</sup> Additions and/or revisions to the draft strawman presented to the Planning Commission (PC) Land Use Process Review Committee on January 17, 2018, based on feedback provided by the Committee are shown with **yellow highlight.**

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1 B. The following life safety measures must be provided in any building where short-term  
2 lodging is offered:

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- 4 i. Interconnected smoke detectors and carbon monoxide detectors, where applicable,  
5 must be installed in the units and corridors where short-term lodging is provided,  
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  - 7 ii. A multi-purpose fire extinguisher must be installed in each unit used for short-  
8 term lodging,  
9
  - 10 iii. Low level exit signs must be installed in all areas used for short-term lodging, and  
11
  - 12 iv. A diagram depicting two evacuation routes must be posted on or immediately  
13 adjacent to every required egress door from each unit used for short-term lodging  
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15 C. The provisions of this Ordinance do not abrogate, nullify, or replace any private  
16 regulations applicable to the dwelling unit or development in which located. It is wholly  
17 the responsibility of the Operator to determine whether the dwelling or development is  
18 subject to any regulations outside this Ordinance, including but not limited to, regulations  
19 imposed by a condominium, cooperative, common interest community, property owners’  
20 association, mortgage lender, or insurance provider. County staff will not review private  
21 regulations or agreements to determine their applicability to a particular dwelling or  
22 development.  
23

24 3. Limitations:

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26 A. The Aggregate Unit Operator must keep a record of all overnight lodgers, and the records  
27 must be available upon request to any County official, employee or agent.  
28

29 B. The Aggregate Unit Operator must comply with all applicable federal, state, and local  
30 laws, ordinances and regulations. Operators must remit a Transient Occupancy Tax  
31 (TOT), and must obtain a Business, Professional and Occupational License (BPOL), if  
32 applicable, under the provisions of Chapter 4 of the Code of Fairfax County.  
33

34 4. Hosting of commercial or group activities, events, or other gatherings, within the units  
35 offered for short-term lodging is prohibited. Such activities, events or other gatherings  
36 include, but are not limited to, luncheons, group meetings, educational events, recreational  
37 events, tours, chef provided meals, reunions, banquets, house concerts, parties, weddings,  
38 meetings, charitable fund raising, and commercial or advertising activities, regardless of  
39 whether there is any form of compensation (direct or indirect) for the activity, event, or  
40 gathering.  
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