

- (6) Applicable provisions of the Uniform Statewide Building Code, and all other applicable laws and regulations, shall be met.
 - (7) The application for a special use permit shall include: a floor plan showing the location and dimensions of each bedroom (including adjacent bathrooms) to be rented, the location of exits and the location of smoke detectors, the location and type of laundry, kitchen or recreational facilities that are available to the guest workers.
 - (8) Each bedroom shall have a minimum floor area of 50 square feet per person, and the maximum occupancy for a bedroom shall be limited to four persons. Each exchange visitor residing in a room shall be provided with a separate bed.
 - (9) Internet access shall be provided on the premises for the exchange visitors.
 - (10) The operator of the facility shall arrange for an orientation session for the exchange visitors, to be conducted by the Williamsburg Police Department.
 - (11) Copies of Form DS-2019 for the exchange visitor shall be retained on file by the operator of the facility, and shall be subject to inspection by the zoning administrator.
 - (12) In lieu of the transient occupancy tax, a hotel/motel or an employer owned facility shall pay a fee to the city that is five percent of the rent collected for the rooms leased to exchange visitors.
- (Ord. No. 07-09, 1-11-07)

Sec. 21-619. Increase in residential occupancy for single-family detached dwellings.

- (a) The residential occupancy in a single-family detached dwelling may be increased from three unrelated persons to four unrelated persons with administrative approval by the zoning administrator or his/her designee, and subject to the following:
- (1) The application shall include: a floor plan showing the location, name, dimensions and floor area of all rooms; and a plot plan showing the location of the dwelling, the location of on- and off-site parking, the lot coverage of the driveways and parking areas, and the location of trash and recycling containers.
 - (2) The single-family detached dwelling unit shall be the only dwelling unit on the lot.
 - (3) The single-family detached dwelling unit shall be located in a rental inspection district that has been established in accordance with Chapter 5, Building and Building Regulations, Article VII, Identification and Inspection of Rental Dwelling Units.
 - (4) The dwelling unit shall have a floor area of at least 2,000 square feet of living space, excluding garages, unfinished basements, or other unfinished areas.

- (5) Four parking spaces shall be provided. Parking spaces may be off-street in accordance with Article V, Parking, or located along the frontage of the adjoining public street and contiguous to the lot. The minimum length of a parking space located on an adjoining public street shall be 18 feet, and shall not include curb cuts for driveways.
- (6) Trash and recycling containers shall be enclosed by a fence or wall.
- (7) The requirements of the Virginia Uniform Statewide Property Maintenance Code and the rental inspection program as set forth in Article VII of Chapter 5 (where applicable) shall be met at all times. Said inspection(s) must be complete before a certificate of occupancy is issued for the increase in occupancy.

(b) Upon the zoning administrator's determination that all of the requirements of subparagraph (a) of this section have been met, the zoning administrator shall provide a conditional certificate of occupancy, at which point, the owner or agent may proceed to lease the property to no more than four unrelated persons. The conditional certificate is intended as a temporary certificate demonstrating that all the pre-occupancy conditions of subparagraph (a) have been met, and shall include an expiration date of no longer than 30 days from the date of the proposed occupancy date in the application, after which time, the dwelling may not be occupied by four unrelated people unless the owner and occupants have satisfactorily completed the additional requirements as hereinbelow provided. The zoning administrator may grant a 30-day extension of the conditional certificate of occupancy upon good cause shown and with a written request by the owner.

- (1) Prior to occupancy, the owner shall provide the zoning administrator with a copy of the written lease for the four occupants containing the names of the occupants, and the telephone numbers for the occupants. Only occupants that are signatories to the lease shall reside in the dwelling. If the occupants of the dwelling change during the duration of the lease, or if a new lease is executed, the owner shall provide the zoning administrator or his/her designee with a copy of the updated lease, and the name and telephone number of the new occupant(s) and the fourth unrelated person shall not occupy the dwelling prior to the new lease and occupant information is provided to the zoning administrator or his/her designee. The owner may redact from the lease the yearly and monthly rental amount prior to submitting the lease to the zoning administrator or his/her designee.

All subleases must be in writing. The sublease must clearly state the name and telephone number of the vacating tenant, the name and telephone number of the new tenant, and must contain the starting and ending date of the sublease. The owner or tenant shall provide a copy of the sublease to the zoning administrator prior to the effective date of the sublease.

The owner or agent shall distribute to each of the occupants a pamphlet provided by the zoning administrator or his/her designee which outlines the requirements of this section at least seven days prior to occupancy of the dwelling by the occupants and shall file with the zoning administrator or his/her designee an affidavit that said pamphlet has been provided to the occupants, including the date of when the pamphlet was provided.

- (2) The zoning administrator or his/her designee shall provide to the owner, and the owner shall return to the zoning administrator or his/her designee a form wherein the occupants acknowledge that they have read and understand and agree to comply with the requirements of the program, which form shall be signed by all of the occupants of the property including new occupants at change of tenancy, and returned to the zoning administrator or his/her designee prior to the occupancy of the dwelling.
- (3) The dwelling shall be inspected by the zoning administrator or his/her designee on an annual basis. The initial inspection shall occur upon occupancy of the property or as soon thereafter as practicable. Subsequent inspections shall occur annually if the property continues to be occupied by more than three unrelated people under this section. The zoning administrator or his/her designee shall arrange to inspect the property with the owner and/or occupants, which inspection shall be permitted by the owner and/or occupants, should the property be occupied at the time of the inspection.
- (4) A certificate of occupancy shall be issued by the zoning administrator or his/her designee when all of the required conditions have been met. The duration of the certificate of occupancy shall not exceed four years, and shall expire on May 31 of the fourth year. Renewal shall require the issuance of a new certificate of occupancy.
- (5) Repeated, founded complaints of excessive noise, litter, or other violations of this chapter, Chapter 12, the Virginia Uniform Statewide Building Code, or the Virginia Statewide Fire Prevention Code, as such are amended from time to time, or other behaviors at the dwelling constituting a nuisance under the City Code and Code of Virginia as amended from time to time, shall be cause for the revocation of the certificate of occupancy granted herein. Complaints shall be deemed to be founded when after an investigation by the police, fire marshal, building inspector, zoning administrator, or other appropriate member of city staff, said member of staff determines that it is more probable than not that the violation has occurred.
- (6) If the zoning administrator or his/her designee receives a complaint that more than the permitted number of occupants are residing at the dwelling, and after investigation the zoning administrator or his/her designee deems the complaint to have been made in good faith, and with reasonable cause, then the zoning administrator shall provide notice to the occupants of the property that

an inspection of the property has been scheduled, and provide the time wherein the property shall be inspected. Posting of the notice on the front door of the property by the zoning administrator or his/her designee shall constitute sufficient notice. The zoning administrator or his/her designee will make reasonable efforts to contact the owner and provide the owner with the notice that the property will be inspected. However, failure of the owner to receive notice that the property is scheduled for an inspection shall not cause the inspection to be postponed or cancelled. The occupants of the property shall permit the inspection of every room of the dwelling for the sole purpose of determining the number of people residing at the property. No inspection pursuant to this section shall be conducted by the zoning administrator or his/her designee with less than 24 hours' notice to the occupants that such an inspection has been scheduled.

(c) If at any time the dwelling does not meet the requirements of the applicable regulations, or the owner, agent or occupants of the property fail to fully comply with the provisions of this section, the certificate of occupancy shall be revoked and the normal occupancy limit of three persons shall be enforced. Any owner or agent, whose certificate under this section has been revoked under this paragraph, shall not be eligible to receive a new certificate for that dwelling for a period of four calendar years. A certificate may be applied for after the four-year period of time, or, an application may be submitted by the owner or agent for that dwelling prior to that four-year period of time if the property has been sold by the previous owner to a third party purchaser in an arms length transaction. The four-year period will continue if such sale was made to a legal entity of which the previous owner or agent has any ownership stake or made to a close family member of the previous owner or agent. (Ord. No. 09-19, 12-10-09; Ord. No. 10-05, 4-8-10)

Sec. 21-620. Temporary family health care structures.

(a) Temporary family health care structures (i) for use by a caregiver in providing care for a mentally or physically impaired person and (ii) on property owned or occupied by the caregiver as the caregiver's residence shall be a permitted accessory use in any single-family residential zoning district on lots zoned for single-family detached dwellings; provided, however, that only one such structure shall be permitted on any lot or parcel of land. Except as hereinafter provided, such structures must comply with the requirements of section 21-603 of this Code. No special use permit shall be required.

(b) For purposes of this section, the following definitions apply:

Caregiver means an adult who provides care for a mentally or physically impaired person within the Commonwealth. A caregiver shall be either related by blood, marriage, or adoption to or the legally appointed guardian of the mentally or physically impaired person for whom the caregiver is caring.