



ARLINGTON COUNTY, VIRGINIA

ZOA-2024-05

(Recovery residence)

Adopted October 19, 2024

Effective October 19, 2024

At the County Board regular meeting on October 19, 2024, on a motion duly made by County Board Vice-Chair Takis P. Karantonis and seconded by County Board Member Maureen Coffey, the Arlington County Board adopted the following ordinance, effective immediately, to amend, reenact, and recodify Articles 4, 5, 6, 7, 12, and 18 of the Arlington County Zoning Ordinance to define recovery residence and allow as a residential use, by-right for eight or fewer residents in one-family detached dwellings, and subject to use permit approval for more than eight residents and/or in other dwelling types.

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Approved amendments are shown with underline to denote new text, and ~~striketrough~~ to denote deleted text.

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Article 4. Public (P) Districts

§4.1. Public (P) Districts Use Tables

§4.1.2. Public (P) districts principal use table

Table §4.1.2 lists the principal uses allowed within the P districts.

PUBLIC (P) DISTRICTS PRINCIPAL USE TABLE						
Use Category	Specific Use Types	S-3A	S-D	P-S	Use Standards	
KEY: P = allowed by-right; U = requires use permit approval; S = requires site plan approval; Blank cell = not permitted						
Residential Use Categories (See §12.2.3)						
Household Living (See §12.2.3.A)	Dwelling, one-family	P	P	P		
	Independent living facilities		S		§12.3.12	
	<u>Recovery residence</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>§12.3.9</u>	

Article 5. Residential (R) Districts

§5.1. Residential (R) Districts Use Tables

§5.1.2. Residential (R) districts principal use table

Table §5.1.2 lists the principal uses allowed within the R districts.

RESIDENTIAL (R) DISTRICTS PRINCIPAL USE TABLE										
Use Category	Specific Use Types	R-20	R-10	R-10T	R-8	R-6	R-5	R15-30T	R2-7	Use Standards
KEY: P = allowed by-right; U = requires use permit approval; S = requires site plan approval; Blank cell = not permitted										
Residential Use Categories (See §12.2.3)										
Household Living (See §12.2.3.A)	One-family detached	P	P	P	P	P	P	P	P	§12.3.10
	Duplexes								P S	
	Duplexes, abutting RA, C or M districts, or located on a principal or minor arterial street as designated on the Arlington County Master Transportation Plan						U S	U S		§12.3.11
	Semidetached, abutting RA, C or M districts, or located on a principal or minor arterial street as designated on the Arlington County Master Transportation Plan						U S	U S		§12.3.11
	Semidetached							S	P S	
	Townhouses							S	P	
	Townhouse, semidetached and existing one-family dwellings			S						§5.4.4
	Townhouse, semidetached, one-family and stacked units							S		§5.8.4
	<u>Recovery residence</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>§12.3.9</u>

Article 6. Multiple-Family (RA) Districts

§6.1. Multiple-family (RA) Districts Use Tables

§6.1.2. Multiple-family (RA) districts principal use table

Table §6.1.2 lists the principal uses allowed within the RA districts.

Multiple-family (RA) Districts Use Table						
Category	Specific Use Types	RA14-26	RA8-18	RA7-16	RA6-15	Use Standards
KEY: P = allowed by-right; U = requires use permit approval; S = requires site plan approval; Blank cell = not permitted						
Residential Use Categories (See §12.2.3)						
Household Living (See §12.2.3.A)	One-family detached	P	P		P	
	Duplexes	P S	P S		P S	
	Semidetached	P S	P S		P S	
	Multiple-family	P	P	S P	P	
	Townhouses	P	P	S	P	
	Townhouses, within the “Fort Myer Heights North Special District,” as designated on the General Land Use Plan		S		S	§12.3.8
	Townhouses, within the “Housing Conservation District,” as designated on the General Land Use Plan	S	S		S	§12.3.8
	Townhouses, within the “Langston Boulevard Planning District,” as designated on the General Land Use Plan	S	S		S	§12.3.8
	Townhouses, semidetached and existing one-family	S	S		S	§12.3.4
	Independent living facilities	S	S	S	S	§12.3.12
	<u>Recovery residence</u>	<u>P</u> <u>U</u>	<u>P</u> <u>U</u>		<u>P</u> <u>U</u>	<u>§12.3.9</u>

Article 7. Commercial/ Mixed Use (C) Districts

§7.1. Commercial/Mixed Use (C) Districts Use Tables

§7.1.2. Commercial/mixed use (C) districts principal use table

Table §7.1.2 lists the principal uses allowed within the C districts.

COMMERCIAL/MIXED USE (C) DISTRICTS PRINCIPAL USE TABLE																					
	Specific Use Types	RA4.8	R-C	RA-H	RA-H-3.2	C-1-R	C-1	MU-VS	C-1-O	C-O-1.0	C-O-1.5	C-O-2.5	C-O	C-O-A	C-O ROSSLYN	C-O CRYSTAL CITY	C-2	C-TH	C-3	C-R	Use Standards
KEY: C = requires use permit and site plan approval; P = allowed by-right; U = requires use permit approval; S = requires site plan approval; Blank cell = not permitted																					
Residential Use Categories (See §12.2.3)																					
Household Living (See §12.2.3.A)	One-family detached	P	P		P	P	P		P	P	P	P	P	P	P		P	P	P	P	
	Duplexes	P S	P S		P S													P			
	Semidetached	P S	P S		P S													P			
	Multiple-family	P S	S	P S	P S			S		S	S	S	S	S	S	S		P		P S	
	Townhouses	P		P S	P																
	Townhouse, semidetached and existing one-family	S	S		S																§12.3.4
	Independent living facilities	S	S	S	S			S		S	S	S	S	S	S	S				S	§12.3.12
	Independent living facilities within the Clarendon Revitalization District as designated on the General Land Use Plan							U										U	U	U	
	<u>Recovery residence</u>	<u>P</u> <u>U</u>	<u>P</u> <u>U</u>		<u>P</u> <u>U</u>	<u>P</u> <u>U</u>	<u>P</u> <u>U</u>		<u>P</u> <u>U</u>	<u>P</u> <u>U</u>	<u>P</u> <u>U</u>	<u>P</u> <u>U</u>	<u>P</u> <u>U</u>	<u>P</u> <u>U</u>	<u>P</u> <u>U</u>		<u>P</u> <u>U</u>	<u>P</u> <u>U</u>	<u>P</u> <u>U</u>	<u>P</u> <u>U</u>	<u>§12.3.9</u>

Article 12. Use Standards

§12.2. Use Categories

§12.2.3. Residential use categories

A. Household living

1. Characteristics

Household Living is characterized by residential occupancy of a dwelling unit by a family. Tenancy is arranged on a month-to-month or longer basis, except in limited accessory capacity where explicitly allowed by this Ordinance. Principal uses where tenancy may be arranged for a shorter period are not considered residential; they are considered a form of transient lodging (see Overnight Accommodations and Social Service Institutions).

2. Examples

Examples of Household Living include one-family detached; one-family attached; duplexes; semidetached; townhouses; multiple-family buildings; independent living facilities; recovery residences.

3. Accessory uses

Accessory uses include accessory dwellings; accessory homestay; car-sharing; direct broadcast satellite dishes; family/caregiver suites; family day care homes; greenhouses and nurseries not engaged in retail trade; garden, guest house; personal; hobbies; home occupations; parking of occupants' registered vehicles; raising of pets; recreational activities; storage sheds; and swimming pools.

4. Uses not included

Bed and breakfast establishments (see Overnight Accommodations); boarding or rooming houses (see Group Living); extended-stay facilities (see Overnight Accommodations); group home (see Group Living); halfway house (see Social Service Institutions); hotels or motels; inns; nursing home (see Group Living); assisted living facilities (see Group Living).

B. Group living

1. Characteristics

Group Living is characterized by residential occupancy of a structure by a group of people, other than a family, typically providing communal kitchen/dining facilities and no kitchens in individual living units. The size of the group may be larger than a family. Tenancy is typically arranged on a monthly or longer basis.

2. Examples

Examples of group living include but are not limited to assisted living facilities and nursing homes, intermediate care, boarding houses, dormitories, fraternity and sorority houses, convents, group homes, monasteries, and rooming houses.

3. Accessory uses

Accessory uses include associated offices; garden, personal; hobbies; food preparation and dining facilities; laundry facilities and services; parking of vehicles for occupants and staff; and recreational facilities.

4. Uses not included

Adult day care (see Day Care); alternative or post-incarceration facilities; exclusive care and treatment for psychiatric, alcohol, or drug problems, where patients are residents (see Social Service Institutions); bed and breakfast establishments (See Overnight Accommodations); child care center (see Day Care); independent living facilities (see Household Living); extended-stay facilities, hotels or motels, inns (see Overnight Accommodations); family day care home (see Accessory Uses); **recovery residences (see Household Living)**; residential occupancy of a dwelling unit by a family on a month-to-month or longer basis (see Household Living); time-shared interval ownership facility (see Overnight Accommodations); treatment centers, transient lodging or shelters (see Social Service Institutions).

§12.3. Residential Use Standards

§12.3.9. ~~[Reserved]~~ Recovery Residences

In any district, recovery residences with eight or fewer residents are permitted by-right in one-family detached dwellings. Recovery residences with more than eight residents and/or located in a dwelling other than a one-family detached dwelling shall require County Board approval of a use permit, per §15.4.

Articles 18. Definitions

§18.2. General Terms Defined

For the purposes of this zoning ordinance certain terms and words used herein shall be defined and interpreted as follows.

Dwelling or dwelling unit. A building or portion thereof designed exclusively for residential occupancy by one family, which includes provisions for living, sleeping, eating, cooking and sanitation, including One-family detached; Semidetached; Duplex; Townhouse; Multiple-family building.

Family: (a) An individual, or two or more persons related by blood, marriage or adoption, or under approved foster care; or

(b) A group of not more than four persons (including servants) whether or not related by blood or marriage living together and sharing living areas in a dwelling unit; or

(c) A group of up to eight persons with mental illness, intellectual disability or developmental disability who are residing with one or more resident or nonresident staff persons in a facility which is licensed by the Department of Behavioral Health and Developmental Services of the Commonwealth of Virginia. For the purposes of this zoning ordinance, mental illness and developmental disability shall not include current illegal use of or addiction to a controlled substance as defined in Section 54.1-3401 of the Code of Virginia or its successor; or

(d) A group of up to eight aged, infirm or disabled persons who are residing with one or more resident counselor(s) or other staff person(s) in a facility licensed by the Virginia Department of Social Services of the Commonwealth of Virginia.

Group home. A residential facility in which more than eight individuals with mental illness, intellectual disability or developmental disability reside, with one or more resident or nonresident staff persons; provided that, for purposes of this definition and the use of the term within the zoning ordinance, "mental illness or developmental disability" shall not include current illegal use of or addiction to a controlled substance as defined in Va. Code § 54.1-3401; all as provided in Va. Code §15.2-2291.A.

Recovery Residence: A dwelling certified by the Virginia Department of Behavioral Health and Developmental Services providing alcohol-free and illicit-drug-free housing to persons with substance abuse disorders and persons with co-occurring mental illnesses and substance use disorders, that does not include clinical treatment services.