



Zoning Ordinance Elements of ACCESSORY DWELLINGS

Approved by the Arlington County Board on July 19, 2008

What Is an Accessory Dwelling (AD)?

An accessory dwelling is a second dwelling with kitchen, bathroom, and separate entrance on a single family lot. In Arlington, ADs are only permitted inside single-family detached houses, e.g. in a basement, on the second floor, or in an addition to the home.

Arlington requires owner occupancy and limits occupancy of the AD to no more than two persons. The Zoning Administrator will certify that the building code, Zoning Ordinance and parking requirements are met prior to issuing the AD permit.

What Is a Family/Caregiver Suite?

A Family/Caregiver Suite is "not more than two rooms plus a bathroom and efficiency kitchen". The maximum size is 500 sq. ft. It may only be occupied by up to two persons who may be either:

- related to the occupants of the main dwelling by blood, marriage, adoption or foster care; or
- unrelated to the occupants of the main dwelling, provided that one of the suite occupants is a caregiver for an elder, a person with a disability or a child who is an occupant of the main dwelling.

What Limits Are on the Number of ADs?

The Zoning Ordinance limits the number of new ADs to 28 per year. Unauthorized ADs being legalized do not come under the cap.

The ordinance also requires that the homeowner must occupy the house for a minimum of one year immediately prior to approval of a new AD Permit.

When Are the Changes Effective?

The Family/Caregiver Suites provisions became effective immediately on July 19, 2008. Applications to create Family/Caregiver Suites can be submitted now.

The accessory dwelling provisions become effective on January 1, 2009. Applications are not being accepted at this time.

FAMILY/CAREGIVER SUITE PROVISIONS

Effective July 19, 2008

| ELEMENT | DESCRIPTION |
|------------------------|--|
| Family/Caregiver Suite | Allow up to 2 persons, who may be unrelated to the occupants of the main dwelling, to live in a Family/Caregiver Suite, provided that one of the suite occupants is a caregiver for an elder, person with disability or child who is an occupant of the main dwelling. |

ACCESSORY DWELLING PROVISIONS

Effective January 1, 2009

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| Type of Unit | ADs may only be located inside the home, e.g. in a basement or on a second floor. |
| Type of House | ADs are allowed in single-family detached houses only. |
| Lot Requirements | The lot must meet minimum lot area requirements of its zoning district and must have an average width of at least 50 feet. |
| Approval Process | The Zoning Administrator approves issuance of the AD Permit, certifies that the building code, Zoning Ordinance and parking requirements are met, and authorizes the Certificate of Occupancy when the AD is completed. Owner must document that he has lived in the home at least a year. |

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ACCESSORY DWELLING PROVISIONS

| ELEMENT | DESCRIPTION |
|--|---|
| Size Limits | <p>The maximum size of the accessory dwelling can be:</p> <ol style="list-style-type: none"> 1) 50% of main dwelling (or 1/3 of total AD and main dwelling combined), up to a maximum of 750 sq. ft.; or 2) in a main dwelling smaller than 1000 sq. ft., ADs may be a maximum of 80% of the main dwelling, up to a maximum of 500 sq. ft. <p>For ADs, Gross Floor Area (GFA) is defined as including all floor area within the inside perimeter of the exterior walls, including basement, corridors, stairways, closets and interior walls.</p> |
| Owner Occupancy Requirement | Required, no waivers permitted. |
| Maximum Occupancy | Maximum of two persons. |
| Owner provision of access for Code Enforcement staff | The owner must agree to cooperate with Code Enforcement staff for annual inspections and in response to complaints. |
| Parking Requirements | The AD Permit application triggers a parking survey. If the block is more than 65% parked and there are one or two existing standard-sized off-street spaces, then those spaces must be maintained; and if there are no existing off-street standard-sized spaces, one off-street parking space must be created. The space added must be standard size. If existing spaces which are required to be maintained have direct access to the street, that accessibility must be preserved. |
| Public Notification | The AD Permit will be noted in the County's Real Estate Database. |
| Design Guidelines | The AD cannot have a separate door on the same side of the house as the main entrance. |
| | An AD on a corner lot cannot have its entrance visible from the street. |
| | Exterior stairs to a 2nd floor dwelling cannot be visible from the street. |
| | Staff will develop a voluntary style guide for owners considering additions to their homes. |
| Home Occupations | Home Occupations are permitted in the AD, except "Contractor and Service Business," but are not permitted to have employees on the premises, except in the case of an employee providing assistance to a person with disability who resides in the AD. |
| Annual Report | An annual report on accessory dwellings and Family/Caregiver Suites will be submitted. |
| Fee | No AD Permit fee is required at this time. Applicants will be required to pay fees for building and trade permits, the Certificate of Occupancy and to record the deed covenant. |
| Deed Covenant | Required, identifying AD use on the property. This also alerts a buyer to the need to transfer the AD Permit to his name. If the new owner wishes to continue to rent the unit, he must agree to comply with the terms of the AD Permit. |
| Certificate of Occupancy | Required at initial occupancy. |
| Affidavit of Compliance | An Affidavit of Compliance is required at initial occupancy and whenever new tenants move in. It includes names of tenants on affidavit. |

For more information: Go to www.arlingtonva.us and search for "Accessory Dwelling" or contact Joel Franklin, Arlington Housing Division at 703.228.7949 or jefranklin@arlingtonva.us