

What's Currently Allowed

Revised 2/7/08

The purpose of this document is to summarize, in brief, relevant provisions in the Zoning Ordinance. It should NOT be read or interpreted as a substitute for the Zoning Ordinance. (Staff has reviewed.)

Types of Structures

Only one "dwelling unit" is allowed on property zoned single family. The exceptions are: Family Suites and Duplexes. If a home has EITHER of the following and is designed, arranged, used or intended for occupancy by more than one family, it is considered to have an additional dwelling unit:

- More than one kitchen (defined as "cooking facilities")
- A separate entrance leading to walled-off rooms. (The key here is the exterior door and the exclusive access.)

- **The Family Suite** requires a permit. There are about two dozen Family Suites in Arlington. Susan Bell, CPHD Director reports that there are no records of overcrowding issues with those Family Suites.

Family Suites - Definition

The definition of Family Suite is: "Not more than two (2) rooms plus a bathroom and 'efficiency' kitchen in a dwelling that are designed, arranged, used or intended for occupancy by not more than two (2) persons who are related by blood or marriage to the principal occupant of the dwelling. The suite shall be designed so that it can function as an integral part of the dwelling although the occupants may live independently of each other."

Rules

- (1) Not more than one (1) family suite shall be permitted in a dwelling.
- (2) The gross floor area of the suite shall not exceed five hundred (500) square feet.
- (3) The suite shall have interior access to the rest of the dwelling.
- (4) The suite shall not have separate utility service (i.e., electric meter and water meter).
- (5) A floor plan of the suite that also identifies its relationship to the rest of the dwelling shall be filed with the Zoning Administrator.
- (6) The property owner shall record a covenant on the property which identifies the suite use and the restrictions imposed by this ordinance.
- (7) The dwelling in which the suite is located shall have only one (1) main entrance and no new entrance shall be permitted on the same side of the structure as the existing main entrance of the dwelling.
- (8) There shall be only one (1) address for the property."

- **Duplexes**—also called **Two-Family Dwellings**—have two dwellings in one building. Many have been built on R5 lots, the Zoning District with the smallest lot size requirement (minimum 5,000 square feet). Duplexes also are allowed on R2-7 lots and in R6 edge properties by use permit. Rules for constructing duplexes were tightened about 20 years ago. Thus there are many non-conforming duplexes in Arlington. There also are some illegal duplexes: single-family homes that were illegally subdivided.
- **Guest Houses** are accessory buildings that not for permanent residents, cannot have a kitchen, and cannot be rented, but they can have a bathroom. Guest houses can be located above a garage or other accessory building, subject to placement requirements.
- **Boardinghouses, Rooming Houses, and Tourist Homes** are allowed in apartment districts (such as RA 8-18), but not in single-family homes. However some may be grandfathered on single-

family lots due to looser regulations in past years. A Use Permit is required for all of these uses in the "RA" districts. The permit fee is \$500 when initiated (plus a per unit fee) and a \$1,000 fee when ownership is transferred.

- **Boardinghouses** are defined as "A building where, for compensation, meals or lodging and meals, are provided for three (3) or more, but not exceeding nine (9) guests. Compensation may be paid daily, weekly or monthly."
- **Rooming Houses** are defined as "Any building or portion thereof which contains guest rooms which are designed or intended to be used, let or hired out for occupancy by, or which are occupied by three (3) or more, but not exceeding nine (9) individuals for compensation, whether the compensation be paid directly or indirectly. Compensation may be paid daily, weekly or monthly.
- **Tourist Homes** are defined as "A dwelling in which room or board or both are offered to the traveling public for compensation, with on-site management, not more than nine (9) rooms in said dwelling being used for said purposes, with no individual cooking facilities, available to transient guests, in contradistinction to a boardinghouse or rooming house." Today, we would call these Bed & Breakfasts.

Based on the above, people can rent 1 or 2 rooms in a single-family home without being considered a boardinghouse or a rooming house—provided they do not exceed the occupancy limits. See below.

Current Single-Family Home Occupancy Limits

Occupancy limits are controlled by the *Virginia Uniform Statewide Building Code*, which focuses on safety, and by the Zoning Ordinance, which allows one "family" to live in a single-family dwelling unit. The definition of family is as follows:

- (a) An individual, or two (2) or more persons related by blood, marriage or adoption, or under approved foster care; or
- (b) A group of not more than four (4) 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 (8) mentally ill, mentally retarded or developmentally disabled persons who are residing with one (1) or more resident counselor(s) or other staff person(s) in a facility which is licensed by the Department of Mental Health, Mental Retardation and Substance Abuse Services of the Commonwealth of Virginia. For the purposes of this 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.

Related Persons. The Zoning Ordinance does not limit the number of related persons who can live in a single-family home, but the Building Code does based on per person living space, bedroom locations, egress, etc. Thus more than a dozen related people may be able to legally reside in a typical Arlington single-family home.

Unrelated Persons. It's important to note that when related and unrelated people live together, the occupancy limit per the Zoning Ordinance defaults to four persons. Examples: A married couple may share their home with 2 other unrelated persons. A mother, father and two children may not have an unrelated person live in the home.

What Can You Build on Single-Family Home Properties Now?

This detail is provided so you can better understand considerations for how ADs might be placed on a single-family lot. It's complicated!

Single-family properties are lots in the following Zoning Districts: R5, R6, R8, R10, and R20. In general, you can build one dwelling on a property zoned single-family. There are two exceptions: the Family Suite and the Duplex/Two-Family Dwelling, as described above.

In addition to the dwelling, you can have accessory buildings on your lot, including garages and other types of buildings, such as pool houses. The form of what you can build is subject to height, setbacks, and coverage limits. (However, some structures, such as those that have a footprint less than 150 square feet and no foundation are subject to few restrictions.)

- **Height limits for houses.** The height measurement depends upon the type of roof. However, in general, the midpoint of the roof of a main building (the house) cannot be more than 35 feet tall. Houses cannot be more than 3-1/2 stories. A half-story has a knee wall on two sides no more than about 2 feet above the floor.
- **Height limits for accessory buildings, including garages.** Rules vary depending on where the structure is located. Accessory buildings can be more than two stories if they are located within the buildable area of the lot, not in the required rear yard.
- **Setbacks.** The following are the general rules for a home on an interior lot. Homes on corner lots have more complicated rules.
 - The front setback is generally 25 feet, although it may be less if other homes are closer to the street. (Also, the point from where the front setback is measured can be complicated if there are easements.)
 - The total setback required for both side yards varies by Zoning District from 18-30 feet but one side yard must be at least 8 feet . The back setback is supposed to be 25 feet. Garages can be one foot off the property line—and many are.

In earlier times, these setbacks were not in place and people built homes closer to the property line—or they have been granted a variance to build within the setback area. These houses are legal, but non-conforming, and in most cases cannot be rebuilt.

- **Coverage.** Main Building Coverage includes the footprint of the house. Overall Coverage includes the combined footprint of the house, accessory buildings, and driveways. The table below indicates the coverage limits recently adopted for the single-family Zoning Districts.

Categories	R-5	R-6	R-8	R-10	R-20
Maximum Lot Coverage	45%	40%	35%	32%	25%
Maximum Lot Coverage with front porch	48%	43%	38%	35%	28%
Maximum Lot Coverage with rear detached garage	50%	45%	40%	37%	30%
Maximum Lot Coverage with rear garage and front porch	53%	48%	43%	40%	33%
Maximum Main Building Footprint Coverage	34%	30%	25%	25%	16%
Maximum Main Building Footprint Coverage with a front porch	37%	33%	28%	28%	19%
Main Buildings Footprint Cap (sq ft)	2,380	2,520	2,800	3,500	4,480
Main Buildings Footprint Cap with a front porch (sq ft)	2,590	2,772	3,136	3,920	5,320