

Civic Federation Summary of Staff Proposal

Interior ADs

Eligibility and Restrictions

- Would allow Interior ADs on properties in Zoning Districts R5, R6, R8, R10, R20, R2-7, R-10T, and R15-30T that have a single-family dwelling on the property. (No Exterior ADs would be allowed.)
- Would not allow an AD if the property already has a duplex, a semi-detached dwelling (a type of duplex), or a townhouse on the property.
- Would not allow the AD if the lot size and lot width does not meet the minimum required for the Zoning District.
- If the AD ordinance were rescinded, would allow the owner to continue use for up to 10 years.

Restrictions

- Would restrict the size of the AD to 750 sq ft or 33% of the Gross Floor Area (GFA) of the combined home with AD, whichever is smaller. (Staff is considering allowing a 500 sq ft minimum size for any size home, which is what is currently allowed for Family Suites.)
- Would allow no more than 2 persons to occupy the AD. ("Persons" includes adults and children.)
- Every AD permit application will trigger a parking survey. (a) For streets without Zoned Parking: If the survey indicates that the street is more than 65% parked and the property has no off-street parking, the County would require the creation of one off-street parking space. (Such space may not be added if it exceeds the overall lot coverage limit for the property, in which case the AD will not be allowed.)

(b) For streets with Zone Parking, the AD occupant is eligible to obtain 1 regular permit, 1 flex pass, and 1 book per year of visitor passes, unless the survey indicates the street is more than 65% parked, in which case the owner must provide a flex pass for the AD.
- Would require the property owner to live on the property, either in the main dwelling or the AD. No waivers would be allowed. (The definition of "owner" is an individual who owns, or whose spouse, parent or child related by blood or adoption, owns 51% or greater interest in the property.)
- Would allow most of the Home Occupations currently allowed for single-family homes. (See Appendix A.)

Initial Permit Requirements

- Would require the owner to produce a Certificate of Occupancy at initial completion of the AD. (To receive this, the AD will be required to meet the current Building Code standards.)
- Would require the owner to record a deed covenant in the County land records when the AD is approved. (Staff will provide a template.)
- Would require the owner to agree to the AD restrictions, to submit an affidavit listing the names of the tenants in the AD, to inform tenants of the annual inspection, and to inform tenants of their obligation to cooperate if there are complaints.

Ongoing Permit Requirements

- Would require an annual inspection of the AD. (Staff cannot force an inspection. However, staff can revoke the permit if the owner does not allow the inspection, does not cooperate if there are complaints, or has repeat violations.)
- When tenants change, would require the owner to get a new Certificate of Occupancy and to submit an affidavit listing the names of the tenants in the AD, to inform tenants of the annual inspection, and to inform tenants of their obligation to cooperate if there are complaints.

Revision to Family Suites

The Zoning Ordinance already allows Family Suites, but restricts occupancy to 1-2 family members. Family Suites may have up to 500 sq ft of living space devoted to its occupants, which may contain its own efficiency-size kitchen, bath, and a separate entrance. However, unlike an AD, the living space connects to the living space in the home.

During our research on what's currently allowed, we learned that the occupancy limits in the Zoning Ordinance prohibited a family of four from having a live-in au pair or any other kind of caregiver. The Civic Federation, in its February resolution, asked the County to consider changing the occupancy rules for Family Suites from to allow caregivers. The draft staff recommendations include this change.

Appendix A. Home Occupations

The list below summarizes the home occupations currently allowed. Staff recommends that those crossed-out not be allowed for ADs.

- (1) Artist, photographer, sculptor
- (2) Author, composer, editor, translator, writer
- ~~(3) Contractor or service business with (a) not more than one commercial vehicle parked on the property; and (b) no contracting equipment or materials stored on the premises except in a commercial vehicle used for transporting said equipment and materials between jobs, buy no loading or unloading on or in the vicinity of the premises.~~
- (4) Dressmaker, seamstress and tailor
- (5) Home crafts such as lapidary work, macramé, model making and weaving
- (6) Office of an ordained minister of religion
- (7) Office of an accountant, architect, bookkeeper, broker, clerical service, computer programmer, consultant, dentist, engineer, instructor in the arts and crafts, insurance agent, land surveyor, landscape architect, lawyer, musician, physician, real estate broker or telephone service
- (8) Office of a salesman, sales representative or manufacturers representative
- (9) Repair services, such as musical instruments, watches and clocks, small household appliances, and toys or models

Home Occupations do not permit customers regularly coming to the home, for example for a dentist to have a dental practice in the home. No signs, noise, odors, or equipment storage is allowed. However, the Home Occupation provisions do allow for one employee other than the resident of the home to work in the home. (See 31.A.12 of the Zoning Ordinance for details.)

Home occupation operators must apply for and enter into an agreement with the Zoning Administrator certifying that they will comply with the requirements for a home occupation in the Zoning Ordinance. (Self-employed people with no other business address than their home by default have a home business that may or may not comply with the Zoning Ordinance — depending on their income, may also require an Arlington Business License.)
