

# Current AD Regulations & Proposed Changes

This document provides a summary of WHAT is being proposed as of 10/15/17. For details about WHY changes are recommended, see the AD Web page: <https://housing.arlingtonva.us/plans-reports/accessory-dwelling-ordinance-update/>

1. Lot Area and Lot Width	
Current Regulation	Proposed Change
<ul style="list-style-type: none"> <li>Lot must meet minimum area requirements of district</li> </ul>	<ul style="list-style-type: none"> <li>Accessory dwelling allowed on lots that do not meet the minimum area requirement for the subject district</li> </ul>
<ul style="list-style-type: none"> <li>50-foot minimum lot width required</li> </ul>	<ul style="list-style-type: none"> <li>Accessory dwelling allowed on lots that do not meet the minimum lot width requirement for the subject district</li> </ul>

2. Maximum Size		
Type	Current Regulation	Proposed Change
Attached AD	1/3 of combined GFA up to maximum of 750 sq. ft.	<ul style="list-style-type: none"> <li>Maximum of 35% of the combined floor area of the main and accessory dwelling, up to maximum of 1,000 sq. ft. (in basement)</li> <li>Maximum of 35% of the combined floor area of the main and accessory dwelling, up to maximum of 750 sq. ft. (when any portion of the accessory dwelling is above basement)</li> </ul>
Detached AD	Not allowed	Maximum of 35% of the combined floor area of the main and accessory dwelling, up to maximum of 750 sq. ft.

3. Detached Accessory Dwellings [See Note 1 on page 3]		
Maximum accessory building height	Smaller of: <ul style="list-style-type: none"> <li>1 ½ stories</li> <li>25 feet</li> </ul>	
Placement	Rear setback	Corner: 10' from lot line Interior: 1" from lot line
	Side setback	Corner: 1' from interior lot line
	Other (front or street setback)	Corner: 25' from any street
	Setback from main dwelling	Interior and corner lots: 8'
Maximum accessory building footprint	<ul style="list-style-type: none"> <li>R-5 and R-6 districts: 560 sf</li> <li>All other R districts</li> </ul>	

4. Design	
Current Regulations	Proposed Change
AD on a corner lot cannot have entrance visible from street	Remove requirement

Entrance to AD may not be on same side of house as main entrance to main dwelling	Main entrance and AD entrance may be on same side of house, as long as not facing same direction
AD with an entrance above the first floor cannot have exterior stairs visible from the street	Exterior stairs to a second story AD cannot be on the same side of house that faces a street

<b>5. Occupancy</b>	
<b>Current Regulations</b>	<b>Proposed Change</b>
Maximum occupancy = 2 persons	Maximum occupancy = 3 persons
Owner occupancy required	No change
Owner must live in house for a year before AD approval	No minimum time required prior to creating an AD
No home occupations for contractors or service businesses allowed	Remove restriction on home occupations

<b>6. Compliance [See Note 2 on page 3]</b>	
<b>Current Regulations</b>	<b>Proposed Change</b>
AD recorded on deed covenant	Require deed covenant
Affidavit of compliance is required at initial occupancy and whenever new tenant(s) move in	Affidavit of compliance required at initial occupancy only, for each new owner or when structural changes are made to the AD
Owner agrees to cooperate with Code Enforcement staff for annual inspections and for complaints.	No change
Annual limit of 28 accessory dwellings	Remove limit

<b>7. Short-Term Residential Rental (AKA "Accessory Homestay")</b>	
<b>Current Regulations</b>	<b>Proposed Change</b>
Accessory homestay is allowed in an attached accessory dwelling	No change
Accessory homestay is not allowed in a detached accessory building	Allowed in a detached accessory building only when it is approved as an accessory dwelling

<b>8. Parking</b>	
<b>Current Regulations</b>	<b>Proposed Change</b>
One existing parking space must be maintained Two existing parking spaces must be maintained	No change
If no existing parking spaces: <ul style="list-style-type: none"> <li>• Create one on-site space; or</li> <li>• Conduct parking survey (no parking requirement if block is &lt;65% parked)</li> </ul>	No change
If two or more spaces that are not tandem, then at least two such spaces shall be maintained	Remove requirement

9. Family/Caregiver Suites	
Current Regulations	Proposed Change
Not more than two rooms plus a bathroom and efficiency kitchen	No change
Occupied by up to 2 persons related by blood, marriage, adoption or foster care or providing on-site care	No change
Must have interior access to the rest of the dwelling	No change
Maximum size of 500 sf.	Maximum size of 750 sf.

## NOTES

**Note 1.** An accessory dwelling has to meet all the Virginia Uniform Statewide Building Code (Building Code) requirements of an independent dwelling. The Building Code requires that the accessory dwelling have a separate entrance, a separate ventilation system from the main dwelling, and access to all electrical panels. It requires a **minimum ceiling height of seven feet**, emergency egress from each sleeping area, and **fire-resistance** rated construction between the accessory dwelling and the main dwelling.

Zoning and Building Code regulations differ in several ways:

- **Ceiling height.** The Building Code allows a basement ceiling height of 6'8" in older homes. Zoning has a policy for existing basements that allows for the renovation or finishing of the basement if it is 6'8" or greater. The policy applies to projects that are one-family dwellings and townhouses not more than three stories above grade plane. However, that does not apply for accessory dwellings.
- **Fire separation requirements from table R302.1(1) in the Virginia Residential Code.** Zoning's specified setbacks for a detached AD are also subject to the Building Code. While the Virginia Residential Code does not have a set back requirement, it does require the AD to provide the fire-rating if it is less than 5'-0" from the property line. All dimensions are measured perpendicular to the structure.
  - **5'-0" or greater** distance from the property or another structure does not require any type of fire separation and can have any number of openings, such as windows or doors
  - **3'-0" to less than 5'-0"** requires the wall to be fire rated and allows for limited openings (maximum of 25% of the wall area)
  - **Less than 3'-0"** the wall to be fire rated and no openings are permitted
- **1" water line.** If the property as a whole, including any ADs, has a total of "more than" 3 bathrooms (counted by number of toilets), an upgrade to ¾" water meter and 1" service is required.

**Note 2. Potential Mortgage and Financial Considerations.** An AD is a second dwelling on a single-family property, which unlike a duplex or semi-detached home, cannot be separately owned. An issue has been raised about the impact of the deed covenant on existing or new mortgage and financing arrangements.