



MEMORANDUM

TO: District of Columbia Zoning Commission

FROM: Jennifer Steingasser,^{JLS} Deputy Director, Development Review and Historic Preservation

DATE: May 5, 2014

SUBJECT: Accessory Apartment Provisions in Washington, DC Metro Area

The Zoning Commission requested OP provide a summary comparison of how neighboring jurisdictions permit accessory apartments. The information is below.

Jurisdiction	Within Main Dwelling	Within Accessory Building
Arlington County	Permitted by right with conditions.	Not Permitted.
Alexandria City	Not Permitted.	Not Permitted.
Fairfax County	Permitted by special permit (Board of Zoning Adjustment) with conditions.	Permitted by special permit (Board of Zoning Adjustment) with conditions.
Fairfax City	Permitted by special permit (City Council) with conditions.	Not Permitted.
Montgomery County	Permitted by right with conditions or by Special Exception, if conditions not met.	Permitted by right with conditions or by Special Exception, if conditions not met.
Prince George's County	Not permitted.	Not Permitted.

Arlington

The Zoning Ordinance allows both accessory dwellings and family/caregiver suites, although there are a few key distinctions between the two, as well as several restrictions associated with accessory dwellings.

An accessory dwelling is a second dwelling with kitchen, bathroom, and separate entrance on a single family lot. A Family/caregiver suite is a space with not more than two rooms plus a bathroom and efficiency kitchen.

Accessory dwellings:

- The County Board only allows up to 28 new accessory dwellings a year, although number that does not include bringing existing ADs into code compliance.
- Only one accessory dwelling would be allowed per lot, and only as a part of the main dwelling, not as a separate building.
- The homeowner must occupy the house for a minimum of one year immediately prior to approval of a new AD Permit.
- The size of the accessory dwelling is limited to no more than 750 square feet. Learn more about maximum size restrictions [here](#).
- The owner must agree to cooperate with Code Enforcement staff for annual inspections and in response to complaints.
- Up to two persons, who may be unrelated to the homeowners, could be housed in the accessory dwelling.

- The lot must meet minimum lot area requirements of its zoning district and must have an average width of at least 50 feet.

Family/caregiver suites:

- The maximum size is 500 square feet.
- It may only be occupied by up to two persons who may be either: 1) related to the occupants of the main dwelling by blood, marriage, adoption or foster care; or 2) 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.

These changes were made in 2008 and came after months of public discussion and review by civic associations and County advisory boards. Board members said the moves will accomplish several goals:

- Help elders age in place
- Increase the stock of affordable housing, with little government investment
- Provide an income stream for homeowners to reduce housing costs

Alexandria

2-152 Guest house. Living quarters within a detached accessory building located on the same premises with the main building for use by temporary guests or the occupants of the premises. Such quarters shall not have kitchen facilities and shall not be rented or otherwise used as a separate dwelling.

4-108 Accessory apartments. One or two apartment dwelling units, located on a floor or floors above retail or commercial uses, shall be permitted as an accessory use. Such apartments shall be categorized as nonresidential for the purpose of applying the area and bulk regulations of this zone, and each such apartment shall provide the parking required for a multifamily dwelling unit of equivalent size. (Ord. No. 3612, § 1, 1-23-93; Ord. No. 3629, §§ 1—4, 5-15-93; Ord. No. 3753, § 1, 9-27-94; Ord. No. 3841, § 2, 1-20-96; Ord. No. 3893, § 1, 11-16-96; Ord. No. 3912, §§ 3, 4, 1-25-97; Ord. No. 4049, §§ 3, 5, 5-15-99; Ord. No. 4280, §§ 1, 4, 11-16-02; Ord. No. 4573, § 1, 12-13-08; Ord. No. 4677, § 3, 6-22-10)

7-101 Permitted accessory uses. Permitted accessory uses and structures shall be limited to the following and any additional use or structure which the director finds is similar to those listed in scope, size and impact, is customarily associated with residential dwellings, and is otherwise in compliance with this ordinance:

- (I) Guest house, accessory to a single-family dwelling, provided it is used by temporary guests or occupants of the main residence, contains no kitchen facilities and is not rented or otherwise used as a separate dwelling;

Fairfax City

Accessory dwelling units (more than one household)

The City's zoning regulations allow for one accessory dwelling unit in a single-family house. Accessory dwelling units are restricted to owner-occupied property where at least one occupant is 55 years of age or older and/or at least one occupant has a physical or mental impairment. Accessory dwelling units may include a kitchen, sleeping and bathroom facilities in addition to the facilities within the single-family house. Accessory dwelling units require a public hearing and approval by City Council.

Fairfax County

ACCESSORY DWELLING UNIT (OR APARTMENT): A secondary dwelling unit established in conjunction with and clearly subordinate to a single family detached dwelling unit. An accessory dwelling unit may be allowed if a special permit is granted by the Board of Zoning Appeals (BZA). Refer to Sect. 8-918 of the Zoning Ordinance.

8-918 Additional Standards for Accessory Dwelling Units

As established by the Fairfax County Board of Supervisors' Policy on Accessory Dwelling Units (Appendix 5), the BZA may approve a special permit for the establishment of an accessory dwelling unit with a single family detached dwelling unit but only in accordance with the following conditions:

1. Accessory dwelling units shall only be permitted in association with a single family detached dwelling unit and there shall be no more than one accessory dwelling unit per single family detached dwelling unit.
2. Except on lots two (2) acres or larger, an accessory dwelling unit shall be located within the structure of a single family detached dwelling unit. Any added external entrances for the accessory dwelling unit shall be located on the side or rear of the structure. On lots two (2) acres or greater in area, an accessory dwelling unit may be located within the structure of a single family detached dwelling unit or within a freestanding accessory structure.
3. The gross floor area of the accessory dwelling unit shall not exceed thirty-five (35) percent of the total gross floor area of the principal dwelling unit. When the accessory dwelling unit is located in a freestanding accessory structure, the gross floor area of the accessory dwelling unit shall not exceed thirty-five (35) percent of the gross floor area of the accessory freestanding structure and the principal dwelling unit.
4. The accessory dwelling unit shall contain no more than two (2) bedrooms.
5. The occupancy of the accessory dwelling unit and the principal dwelling unit shall be in accordance with the following:
 - A. One of the dwelling units shall be owner occupied.
 - B. One of the dwelling units shall be occupied by a person or persons who qualify as elderly and/or disabled as specified below:
 - (1) Any person fifty-five (55) years of age or over and/or
 - (2) Any person permanently and totally disabled. If the application is made in reference to a person because of permanent and total disability, the application shall be accompanied by a certification by the Social Security Administration, the Veterans Administration or the Railroad Retirement Board. If such person is not eligible for certification by any of these agencies, there shall be submitted a written declaration signed by two (2) medical doctors licensed to practice medicine, to the effect that such person is permanently and totally disabled. The written statement of at least one of the doctors shall be based upon a physical examination of the person by the doctor. One of the doctors may submit a written statement based upon medical information contained in the records of the Civil

Service Commission which is relevant to the standards for determining permanent and total disability.

Montgomery

Owners of Single Family detached homes in Montgomery County* may be permitted to create and rent a Class 3 Accessory Apartment in their home if they follow a few basic procedures. A Class 3 Accessory Apartment is a second dwelling that is part of (but subordinate to or on the same lot as) an existing one-family detached home and has its own provisions for cooking, eating, sanitation and sleeping. A license is issued by the Department of Housing and Community Affairs for an accessory apartment that does not require a special exception. Accessory Apartment units must be in compliance with requirements of Montgomery County Code: Chapter 59-Zoning Ordinance, Chapter 26-Housing Standards, Chapter 29-Landlord/Tenant Relations, and all applicable laws.

Prince George's

Not permitted