



VPIS Summary of Current Accessory Dwelling Unit Rules April 16, 2024

Accessory Dwelling Units in Falls Church City Code (from Municode accessed 4/10/2024)

Sec. 48-2. - Definitions.

Accessory dwelling unit means a dwelling unit which is in the same structure as, under the same ownership as, and subordinate to a one-family dwelling, and which is intended for use as a complete, independent living facility. The accessory dwelling unit includes permanent provisions for living, sleeping, eating, cooking and sanitation for use by one family within the limits set forth in this Code pertaining to health, building, or other relevant provisions of the law.

Sec. 48-236. - Conditional uses permitted by special use permit. *(R1-A single family zoning district)*

(11) An accessory dwelling unit, in strict accordance with the following requirements and consistent with the public health, safety and welfare:

a. Either the accessory dwelling unit or the principal dwelling unit shall be occupied by an owner. In the event the occupying owner dies, the special use permit for the accessory unit shall expire 180 days from the date of the owner's death, unless within this 180-day period the new owner also occupies the accessory unit or the principal dwelling and states in writing to the zoning administrator that the new owner wants to continue the accessory unit under the terms of the existing permit.

b. In the event the occupying owner vacates the premises, the special use permit for the accessory dwelling unit shall expire 90 days from the date on which the owner vacates the premises.

c. When title to the property changes hands, the special use permit for the accessory dwelling unit shall expire 90 days from the date on which title changes hands, unless within this 90-day period the new owner also occupies the accessory unit or the principal dwelling and states in writing to the zoning administrator that he wants to continue the accessory unit under the terms of the existing permit.

d. Only one accessory dwelling unit shall be permitted per principal dwelling unit.

e. The habitable floor area of the accessory dwelling unit shall not exceed one-half the habitable floor area of the principal dwelling unit.

f. One off-street parking space shall be required for each accessory dwelling unit in addition to the parking required for the principal dwelling unit, except stacked parking spaces shall be permitted. In the event the principal dwelling has no off-street parking, the principal dwelling shall be brought into conformance with the existing parking requirements.

g. No new exterior entrance shall be installed on the same plane as an existing door on any side of a structure which faces a public street, unless it provides needed access for a handicapped occupant.

h. No above grade exterior stairs more than five feet in height shall be constructed to accommodate either dwelling unit; however, below grade stairwells shall be permitted.

i. All minimum lot area and maximum lot coverage requirements for the district in which the principal dwelling unit is located shall be met.

The plans for each accessory dwelling unit shall be reviewed and the site of the proposed unit shall be inspected by the city prior to approval, for compliance with city ordinances pertaining to construction, plumbing, wiring, fire safety and the like. The maximum number of persons permitted to occupy the accessory dwelling shall be determined by the building inspector, based upon the occupancy limits of applicable housing codes, and made a part of the special use permit. Prior to occupancy of the accessory dwelling unit a certificate of occupancy shall be issued, following inspection of the structure by the appropriate city agencies. The term of each special use permit shall be three years. At the end of this period the permission to use the property as an accessory dwelling unit shall cease unless a new permit is granted. A new permit for three years shall be granted by the zoning administrator following notification of adjacent property owners if, and only if, the ordinance permitting accessory dwelling units is still in effect, all its requirements are being met, all activity and use of the property is in compliance with all other applicable city ordinances, and to the knowledge of the zoning administrator, there are no material complaints about the accessory dwelling unit or possible violation of the existing special use permit. In the event there are material complaints or possible violations, the zoning administrator shall not grant a new permit but instead he shall schedule a hearing before the board of zoning appeals. The hearing and authority of the board of zoning appeals shall be the same as in the issuance of all other special use permits. Notice of the hearing shall be provided in the same manner as with all other special use permits.

Sec. 48-261. - Conditional uses permitted by special use permit. (R1-B single family zoning district)

(2) Accessory dwelling units which are subject to the same provisions set forth in the R-1A district, and to an additional provision requiring a minimum lot area of 10,000 square feet.