

ORDINANCE TO AMEND CITY CODE CHAPTER 48 “ZONING” TO
ALLOW ACCESSORY DWELLINGS AS A PERMITTED ACCESSORY USE
IN THE R-1A, R-1B, AND R-M DISTRICTS AND TO ALLOW DETACHED
ACCESSORY DWELLINGS AND TO AMEND CITY CODE CHAPTERS 42
“UTILITIES” TO REGULATE THE WATER AND SEWER CONNECTIONS
OF ACCESSORY DWELLINGS

THE CITY OF FALLS CHURCH, VIRGINIA, HEREBY ORDAINS THAT the public necessity, convenience, general welfare, and good zoning practice require that the governing body amend and reenact certain regulations of the Code of the City of Falls Church, and that Chapters 42 and 48 of the Code of the City of Falls Church, Virginia are hereby amended and reenacted as follows:

CHAPTER 42 – UTILITIES

ARTICLE II. – WATER

DIVISION 1. – GENERALLY

Sec. 42-36. – Single connection to one meter.

It shall be unlawful to connect or serve more than one residence or other establishment from one meter. This is not to be construed as prohibiting the extension of a water line of a residence or other establishment to the out-buildings, including detached accessory dwellings, properly appertaining thereto. The city manager is authorized to permit the serving of a church and its parsonage from one meter.

ARTICLE III. – SEWERS

Sec. 42-178. – Serving more than one residence by one connection; exception

It shall be unlawful for any person to serve more than one residence or other establishment by one sewer connection; provided that this section shall not be construed to prohibit the extension of the sewer service of a residence or other establishment to the outbuildings, including detached accessory dwellings properly appertaining thereto.

CHAPTER 48 – ZONING

ARTICLE I. – IN GENERAL

Sec. 48-2. – Definitions

Accessory dwelling means a complete independent dwelling unit, containing a kitchen and bathroom, that is located on the same lot as, under the same ownership as, and subordinate to a one-family dwelling, and is designed, arranged, used, or intended for occupancy for living purposes.

Accessory dwelling, attached or interior, means an accessory dwelling within the same building, or connected to, and subordinate to, a principal dwelling.

Accessory dwelling, detached, means an accessory dwelling that is subordinate to a principal dwelling and is located within an accessory structure that does not share a party wall with the principal dwelling.

Family refers to one person living alone or two or more persons related by blood, marriage, adoption, or who are living in an approved foster care program, with not more than two domestic servants living in the house as roomers; or a group of not more than eight persons not related by blood, marriage, or adoption living together on a single property, within the limits set forth in this Code pertaining to health, building or other relevant provisions of the law except a group home, residential institution, or a boardinghouse or roominghouse.

ARTICLE II. – ADMINISTRATION

DIVISION 5. – NONCONFORMING USES

Sec. 48-142. – Limitations.

Nonconforming uses or buildings shall not be enlarged, extended, reconstructed, substituted, or structurally altered, except when required to do so by law or order, unless the use is changed to a use permitted in the district in which it is located, except as follows:

(1) *Extension.* Any such use may be extended throughout any parts of a building which were manifestly arranged or designed for such use at the time of adoption of the ordinance from which this division is derived, but may not be extended to occupy any land outside such building. The nonconforming use of land may not be extended.

(2) *Replacement.* If any building in or on which a nonconforming use is

maintained is moved for any distance whatsoever, or if such building is removed or demolished, or if such building is damaged by fire, flood, storm or any means whatsoever to an extent equal to 75 percent of its assessed value for the year in which such damage occurs, the right of such assessed value for the year in which such damage occurs, the right of such nonconforming use to continue shall cease at the time of such moving, removal or damage and no further use shall be made of the property, except as permitted in the district in which it is located.

(3) Extension of a principal residential structure in the R-1A, R-1B, or R-C district. In an R-1A, R-1B, or R-C district, where an existing principal residential structure is nonconforming with respect to any current setback requirement, a structural addition which would occupy a required side or rear yard setback area may be approved by the zoning administrator; provided that:

- a. No portion of the addition would be closer to a front or side lot line than the existing structure;
- b. No portion of the addition would be less than ten feet from a side lot line in an R-1A district, less than seven feet from a side lot line in an R-1B district, or less than ten feet from the side or rear perimeter setback line for the R-C district; and
- c. No portion of the addition would extend from the existing structure toward the required rear yard a distance greater than 15 feet in the R-1A and R-1B districts.

However, the zoning administrator may deny such application and refer the application to the board of zoning appeals for consideration of a variance, as set forth in section 48-172(3); when, in the judgment of the zoning administrator, the application presents an unusual or peculiar circumstance such as the configuration of the lot, topography, safety, or other conditions which would adversely affect neighboring properties.

ARTICLE III. – BOARD OF ZONING APPEALS

Sec. 48-172. - Powers.

In accordance with the chapter 17 of the City Charter, the board shall have the powers hereinafter set forth:

(1) *Judicial.* The board shall have the power to hear and decide appeals where it is alleged there is error in any order, requirement, decision or determination by the administrative officer in the administration and enforcement of the provisions of this chapter.

(2) *Interpretation of map.* The board shall have the power to hear and decide applications for interpretation of the official zoning district map, where there is any uncertainty as to the location of a district boundary. Where the actual street or lot layout differs from the layout indicated on such map, the board, after notice to the owners of the property and

after public hearing, shall interpret the map in such a way as to carry out the intent and purpose of this chapter for the particular section or district in question.

(3) *Extension of a principal residential structure in the R-1A or R-1B district.* In an R-1A, R-1B, or R-C district, where an existing principal residential structure is nonconforming with respect to any current setback requirement and the provisions of subsection 48-142(3) do not apply, the board may grant a variance for a structural addition which would occupy a required setback area based upon consideration of peculiar circumstances such as configuration of the lot, interior circulation, existing utilities serving the structure, existing driveways, topographic features, and similar existing conditions, provided that no portion of the addition would encroach further into the required setback area than the existing structure.

(4) *Public buildings, utilities and services.* The board shall have the power, upon application, to permit the use of land or the construction or use of buildings or structures, in any district, by any agency of the city, county, state or United States, when reasonably necessary in the public interest; provided that such construction or use shall adequately safeguard the health, safety and welfare of the occupants of the adjoining and surrounding property, shall not unreasonably impair an adequate supply of light and air to adjacent property, shall not increase congestion on the streets and shall not increase public danger from fire or otherwise effect public safety.

(5) *Special use permits.*

- a. With the exception of a drive-through and drive-through facilities, which shall be regulated as provided for in section 48-867, the board shall have the power to hear and decide applications for such special use permits as are authorized by this chapter.
- b. In considering an application for a special use permit, the board shall give due regard to the nature and condition of all adjacent uses and structures, and the probable effect upon them of the proposed use. The board shall also take into account the proposed special characteristics, design, method of operation, effect on traffic conditions, or any other aspects of the particular use or structure. If it should find, after the hearing and, except for applications regarding accessory dwellings, after considering the report of the planning commission, that the proposed establishment or use will not adversely affect the peace, health or safety of persons residing or working in the neighborhood, nor be detrimental to the public welfare or injurious to property or improvements in the neighborhood, but will be in accordance with the general purpose and objectives of the land use plan and other parts of the official master plan, and of this chapter, the board may authorize the issuance, by the zoning administrator, of a special use permit. In those instances where the board finds that the proposed use may be likely to have an adverse effect as above, the board shall determine whether such effect can be avoided by the imposition of any special requirements or conditions with respect

to location, construction, equipment, maintenance or operation, in addition to those expressly stipulated in this chapter for the particular use. If such determination is in the affirmative, the board may authorize the issuance of a special use permit and shall stipulate the requirements or conditions which apply, which requirements and conditions shall be indicated on an approved copy of the plans attached to the permit, or shall be recorded by such other method as may be appropriate; but if such determination is in the negative, the permit shall be denied. The board may require satisfactory evidence and guarantee or bond that the conditions stipulated will be and will continue to be complied with.

ARTICLE IV. – DISTRICTS

DIVISION 2. – R-1A, LOW DENSITY RESIDENTIAL DISTRICT

Sec. 48-236. – Conditional uses permitted by special use permit.

Conditional uses permitted by special use permit in the R-1A, low density residential district are as follows:

- (1) Private schools, special schools or day care facilities complying with the provisions of the state code.
- (2) Telephone exchanges and other public utility buildings and structures necessary to the furnishing of service in the vicinity, but not public business offices and storage, repair or maintenance buildings or yards.
- (3) Private clubs, lodges, and recreational or community facilities, none of which shall be of commercial nature.
- (4) Cemeteries.
- (5) Hospitals for human care.
- (6) Residential institutions, including, but not limited to, rest homes, nursing homes, convalescent homes, orphanages and similar uses, except a secure or detention facility, which shall mean a public or private locked residential facility which has construction fixtures designed to prevent escape and to restrict the movement and activities of persons held in lawful custody.
- (7) Amateur radio or amateur television stations or citizens band transmitters, except any transmitters that cause radio or television interference off the property within normal bands of FM or AM commercial broadcasting.
- (8) Museums, other than those permitted by right.

- (9) Group homes, not otherwise permitted by right above.
- (10) Major home occupation as an accessory use to a one-family dwelling.
- (11) Satellite television antenna or ground-mounted conventional television or radio antenna, as permitted and regulated in article V, division 9 of this chapter.
- (12) A bed and breakfast establishment in accordance with the following requirements and consistent with the public health, safety and welfare:
 - a. The bed and breakfast establishment shall be permitted in a single-family home that shall be located on a state-classified principal or minor arterial street, as identified in the comprehensive plan and/or a single-family home that shall be a designated structure under the historical and cultural conservation district.
 - b. The home shall be at least 2,500 square feet in size.
 - c. No more than five rented rooms shall be permitted.
 - d. No more than two adult occupants shall be permitted per room, but there are no limitations on minor children.
 - e. The habitable floor area of the bed and breakfast establishment, excluding the kitchen facilities, 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 bed and breakfast bedroom in addition to the parking required for the principal dwelling unit. Stacked parking spaces shall be permitted
 - g. Parking shall be screened from adjacent residential uses.
 - h. One sign, not exceeding three square feet, consistent with section 48-1264 (a)(4) shall be permitted.
 - i. Breakfast shall be the only meal served.
 - j. Maximum length of stay shall be limited to 14 days in any 30-day period.
 - k. The owner/operator shall keep a guest register including the names, addresses and states of occupancy of all guests.
 - l. The home shall be occupied by an owner. In the event the occupying owner dies, the special use permit for the bed and breakfast establishment shall expire 180 days from the date of the owner's death, unless within this 180-day period the new owner also occupies the home and states in writing to the zoning administrator that he wants to continue the bed and breakfast use under the terms of the existing permit.
 - m. One employee, other than resident family members, may be permitted.
 - n. When the ownership of the property changes, the special use permit shall expire 90 days from the date on which ownership changes, unless within this 90-day period the new owner also occupies the home and states in writing to the zoning administrator that the new owner wants to continue the bed and breakfast establishment under the terms of the existing permit.
 - o. The plans for each bed and breakfast establishment 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, solid waste, utilities, fire suppression, and the like.

- p. The maximum number of persons permitted to occupy the bed and breakfast establishment shall be determined by the building official, based upon the occupancy limits of applicable housing codes.

(Code 1973, § 81-32; Code 1982, § 38-16(c); Ord. No. 789; Ord. No. 908; Ord. No. 987, 11-9-1981; Ord. No. 1039, 2-28-1983; Ord. No. 1084, 10-9-1984; Ord. No. 1142, 6-23-1986; Ord. No. 1338, 12-10-1990; Ord. No. 1632, 2-8-1999; Ord. No. 1721, 6-10-2002; Ord. No. 1766, 9-13-2004; Ord. No. 1792, § 38-16, 8-14-2006)

State Law reference— Special use permit for certain residential uses prohibited, Code of Virginia, § 15.2-2288.1, group homes, Code of Virginia, § 15.2-2291; family day homes, Code of Virginia, § 15.2-2292.

Sec. 48-237. – Permitted accessory uses.

Permitted accessory uses in the R-1A, low density residential district are as follows:

- (1) Private parking and parking of noncommercial private vehicles incidental to the principal use; parking of commercial vehicles, as defined in section 20-14, while actually loading or unloading and parking of commercial vehicles incidental to repairs or alterations actually in progress at the time of such parking; provided, however, nothing contained here shall prohibit the parking of one commercial vehicle in a garage; and provided further that the space in any garage of one- or two-car capacity may be rented to nonresidents of the property for garaging of noncommercial private motor vehicles, or not more than one commercial vehicle. Vehicle use areas shall comply with article V, division 2 of this chapter.
- (2) Private swimming pools and tennis courts, when fenced or screened from adjacent properties.
- (3) Any artificial outdoor light source and accompanying structural support. All light sources and structural supports existing, installed or maintained shall be subject to regulation by chapter 14, article IV, pertaining to outdoor lighting.
- (4) Private gardens, decks, terraces, greenhouses, storage buildings, garages, air conditioning units, heat pumps, canopies, and similar uses and structures.
- (5) Minor home occupations.
- (6) Child care in the home, other than child care activities controlled by the state code or by chapter 8 of this Code.
- (7) Electric and telecommunications equipment designed for residential service.
- (8) Solar energy equipment designed to serve the premises only.
- (9) One accessory dwelling, as regulated in Article V. Division 12.

(Code 1973, § 81-32; Code 1982, § 38-16(d); Ord. No. 789; Ord. No. 908; Ord. No. 987, 11-9-1981; Ord. No. 1039, 2-28-1983; Ord. No. 1084, 10-9-1984; Ord. No. 1142, 6-23-1986; Ord. No. 1338, 12-10-1990; Ord. No. 1632, 2-8-1999; Ord. No. 1721, 6-10-2002; Ord. No. 1766, 9-13-2004; Ord. No. 1792, § 38-16, 8-14-2006)

Sec. 48-238. – Conditions applying to permitted uses.

Conditions applying to permitted uses in the R-1A, low density residential district are as follows:

(1) Minimum lot area.

- a. For one-family dwellings: 11,250 square feet. For a pipestem lot, the minimum required lot area shall be calculated by excluding any portion of the lot between the front lot line and the building setback line which is less than 30 feet in width, the width being determined by a line which is perpendicular to any side lot line. Only two new pipestem lots shall be permitted to be subdivided from any existing lot.
- b. For all other uses except major home occupations, 20,000 square feet.

(2) Minimum lot width.

- a. For one-family dwellings: 75 feet. Any pipestem lot used for a dwelling shall be at least 15 feet in width, between the front lot line and the building setback line; provided, however, that the 15-foot-wide area required herein may be shared equally by two adjacent pipestem lots.
- b. For all other uses, 100 feet.

(3) *Minimum yard requirements.*

- a. For one-family dwellings: 30 feet for front yard, 15 feet for side yard and 40 feet for rear yard, for all lots except pipestem lots. For a pipestem lot, each minimum required yard shall be equal either to the abutting minimum required yard for a one-family dwelling on the abutting property or to the minimum yard required by these regulations, whichever is greater.
- b. For all other principal or conditional uses: 30 feet for front yard, 25 feet for side yard, and 40 feet for rear yard.
- c. For buildings containing only accessory uses: 30 feet for front yard, three feet for side yard, and three feet for rear yard, except detached accessory dwellings, for which minimum yard requirements are regulated by Article V. Division 12.
- d. One-family principal dwellings shall be located so that the front of the dwelling is oriented toward the front setback and street; the side of the dwelling toward the side setback and the rear of the dwelling toward the rear setback. The planning commission may grant a waiver to this provision, if such a waiver is based on a finding of compatibility with surrounding properties.

(4) *Maximum building height.*

- a. For residential use: the lesser of 35 feet or 2½ stories.
- b. For all other principal or conditional uses: the lesser of 45 feet or three stories.
- c. For buildings containing only accessory uses: 12 feet, except as permitted by the HCC district subsection 48-792(6), except detached accessory dwellings, for which maximum height requirements are regulated by Article V. Division 12.

(5) *Maximum lot coverage by all buildings.*

- a. For residential use: 25 percent.
- b. For other uses: 30 percent.

(6) *Maximum impervious lot coverage shall be 35 percent, subject to the following provisions:*

- a. For purposes of calculating impervious lot coverage, uncovered driveways, walks and patios using pervious materials shall be reduced by up to 25 percent of the entire pervious surface area.

DIVISION 3. – R-1B, MEDIUM DENSITY RESIDENTIAL DISTRICT

Sec. 48-261. – Conditional uses permitted by special use permit.

Conditional uses permitted in the R-1B, medium density residential district are as follows:

- (1) Any conditional use permitted in the R-1A district.
- (2) Prenatal and early infant care counseling and support facility provided the following conditions are met:
 - a. The use must be immediately across a public street from property zoned T-1.
 - b. The building shall have the appearance of a single-family, detached dwelling and be compatible with its immediate surroundings.
 - c. The use shall be at least 300 feet from any other prenatal and early infant care counseling and support use in that residential zone.
 - d. The use shall meet all conditions imposed by the board of zoning appeals, including, but not limited to:
 - 1. Parking; its location, which could be off site; and amount of spaces;
 - 2. Hours of operation;
 - 3. Unusual landscaping requirements for buffering purposes.
 - e. The facility shall be operated by a tax exempt organization as defined in Code of Virginia, § 58.1-3650 et seq., which makes extensive use of volunteers in carrying out its program.

(Code 1973, § 81-34; Code 1982, § 38-17(c); Ord. No. 987, 11-9-1981; Ord. No. 999, 2-22-1982; Ord. No. 1039, 2-28-1983; Ord. No. 1261, 4-25-1989; Ord. No. 1632, 2-8-1999; Ord. No. 1766, 9-13-2004; Ord. No. 1792, § 38-17, 8-14-2006)

Sec. 48-263. – Conditions applying to permitted uses.

Conditions applying to permitted uses in the R-1B, medium density residential district are as follows:

(1) Minimum lot area.

- a. For one-family dwellings: 7,500 square feet. For a pipestem lot, the minimum required lot area shall be calculated by excluding any portion of the lot between the front lot line and the building setback line which is less than 30 feet in width, the width being determined by a line which is perpendicular to any side lot line. Only two new pipestem lots shall be permitted to be subdivided from any existing lot.
- b. For two-family dwellings: 12,000 square feet, or a minimum of 6,000 square feet for each dwelling unit.
- c. For all other uses: 20,000 square feet.

(2) Minimum lot width.

- a. For one-family dwellings: 60 feet. Any pipestem lot used for a dwelling shall be at least 15 feet in width, between the front lot line and the building setback line; provided, however, that the 15-foot-wide area required herein may be shared equally by two adjacent pipestem lots.
- b. For two-family dwellings: 100 feet.
- c. For all other uses: 100 feet.

(3) Minimum yard requirements.

- a. For one-family dwellings: 25 feet for front yards, ten feet for side yards and 30 feet for rear yards, for all lots except pipestem lots. For a pipestem lot, each minimum required yard shall be equal either to the abutting property or to the minimum yard required by these regulations, whichever is greater.
- b. For two-family dwellings: 25 feet for front yards, ten feet for side yards and 30 feet for rear yards, except that a two-family dwelling may be placed on two contiguous lots with the party wall over the common boundary; in this case, the minimum yard requirements shall apply to all yards, except the yards adjacent to the common boundary.
- c. For all other principal or conditional uses: 25 feet for front yards, 20 feet for side yards and 40 feet for rear yards, except for accessory dwellings, for which minimum yard requirements are regulated by Article V. Division 12.
- d. One-family principal dwellings shall be located so the front of the dwelling is oriented toward the front setback and street; the side of the dwelling toward the side setback and the rear of the dwelling toward the rear setback. The planning commission may grant a waiver to this provision, if such a waiver is based on a finding of compatibility with surrounding properties.

(4) Maximum building height.

- a. For residential use: the lesser of 35 feet or 2½ stories.
- b. For all other principal or conditional uses: the lesser of 45 feet or three stories.

- c. For buildings containing only accessory uses: 12 feet, except as permitted by the HCC district, except for detached accessory dwellings, for which maximum height requirements are regulated by Article V. Division 12.
- (5) Maximum lot coverage by all buildings.
 - a. For residential use: 25 percent.
 - b. For other uses: 30 percent.
- (6) *Maximum impervious lot coverage* shall be 35 percent, subject to the following provisions:
 - a. For purposes of calculating impervious lot coverage, uncovered driveways walks and patios using pervious materials shall be reduced by up to 25 percent of the entire pervious surface area.

(Code 1973, § 81-34; Code 1982, § 38-17(e)(1)—(5); Ord. No. 987, 11-9-1981; Ord. No. 999, 2-22-1982; Ord. No. 1039, 2-28-1983; Ord. No. 1261, 4-25-1989; Ord. No. 1632, 2-8-1999; Ord. No. 1766, 9-13-2004; Ord. No. 1792, § 38-17, 8-14-2006; Ord. No. 1915, 3-24-2014)

DIVISION 4. – R-C, CLUSTER RESIDENCE DISTRICT

Sec. 48-297. – Permitted accessory uses.

Permitted accessory uses in the R-C, cluster residence district are as follows:

- (1) Private parking and parking of noncommercial private vehicles incidental to the principal use; parking of commercial vehicles, as defined in section 20-14, while actually loading or unloading and parking of commercial vehicles incidental to repairs or alterations actually in progress at the time of such parking; provided, however, nothing contained here shall prohibit the parking of one commercial vehicle in a garage; and provided further that the space in any garage of one- or two-car capacity may be rented to nonresidents of the property for garaging of noncommercial private motor vehicles, or not more than one commercial vehicle. Vehicle use areas shall comply with article V, division 2 of this chapter.
- (2) Private swimming pools and tennis courts, when fenced or screened from adjacent properties.
- (3) Any artificial outdoor light source and accompanying structural support. All light sources and structural supports existing, installed or maintained shall be subject to regulation by chapter 14, article IV, pertaining to outdoor lighting.
- (4) Private gardens, decks, terraces, greenhouses, storage buildings, garages, air conditioning units, heat pumps, canopies, and similar uses and structures.
- (5) Minor home occupations.
- (6) Child care in the home, other than child care activities controlled by the state code or by chapter 8 of this Code.
- (7) Electric and telecommunications equipment designed for residential service.

- (8) Solar energy equipment designed to serve the premises only.

DIVISION 6. – R-M, MULTIFAMILY RESIDENTIAL DISTRICT

Sec. 48-363. – Conditional uses permitted by special use permit.

Conditional uses permitted by right in the R-M, multifamily residential district are as follows:

- (1) Any conditional use permitted and as regulated in the R-1A district.
- (2) Multifamily dwellings over three stories in height, but not exceeding six stories or 75 feet, whichever is the lesser; provided, however, that the requirements of section 48-867, supplementary regulations for four- to six-story apartments, in addition to any other requirements which may be stipulated in the special use permit, shall be met.
- (3) Principal uses permitted in the B-1, limited business district, when conducted only on the basement and/or first floor level of a multifamily dwelling over three stories high, and only when working, access, security, health, and safety requirements can be satisfied.
- (4) Interior accessory dwelling, as regulated in Chapter 48, Division 12.

Sec. 48-364. – Permitted accessory uses.

Permitted accessory uses in the R-M, multifamily residential district are as follows:

- (1) Private parking and parking of noncommercial private vehicles incidental to the principal use; parking of commercial vehicles, as defined in section 20-14, while actually loading or unloading and parking of commercial vehicles incidental to repairs or alterations actually in progress at the time of such parking; provided, however, nothing contained here shall prohibit the parking of one commercial vehicle in a garage; and provided further that the space in any garage of one- or two-car capacity may be rented to nonresidents of the property for garaging of noncommercial private motor vehicles, or not more than one commercial vehicle. Vehicle use areas shall comply with article V, division 2 of this chapter.
- (2) Private swimming pools and tennis courts, when fenced or screened from adjacent properties.
- (3) Any artificial outdoor light source and accompanying structural support. All light sources and structural supports existing, installed or maintained shall be subject to regulation by chapter 14, article IV, pertaining to outdoor lighting.
- (4) Private gardens, decks, terraces, greenhouses, storage buildings, garages, air conditioning units, heat pumps, canopies, and similar uses and structures.
- (5) Minor home occupations.
- (6) Child care in the home, other than child care activities controlled by the state code or by chapter 8 of this Code.
- (7) Electric and telecommunications equipment designed for residential service.

- (8) Solar energy equipment designed to serve the premises only.

ARTICLE V. – SUPPLEMENTARY REGULATIONS

DIVISION 2. – OFF-STREET PARKING REQUIREMENTS

Subdivision II. – General Regulations

Sec. 48-931. - Single-family residences excepted.

The various provisions of this division, with the exception of the specific use requirements in sections 48-898, 48-932 through 48-935, 48-938, 48-939 and 48-941(2), shall not apply to residential spaces and aisles provided accessory to and on the same property as any single-family residence or townhouse for the exclusive use of the residents of that property; provided, further, that such accessory residential parking spaces comply with the following requirements:

- (1) No more than four vehicles are to be parked on any one property.
- (2) No more than one vehicle with an open or enclosed bed for hauling service, and designed to carry, handle, transport and/or move goods or perform services in commerce, industry or trade, but not including passenger cars, station wagons, or similar types and sizes of vehicles that are designed to haul passengers, as provided by subsection 48-237(1), shall be parked on any one property, and when so parked such vehicle must be within a fully enclosed private garage.
- (3) No vehicle parking shall be permitted in any front yard in a single-family detached residence or townhouse; nor shall any vehicle parking space be provided for any single-family detached residence or townhouse in a front yard, except in designated driveway areas.
- (4) No front yard of any single-family detached residence or townhouse shall be paved wholly or partially, except for a paved driveway not to exceed 14 feet in width. This subsection shall not be interpreted to prohibit circular driveways or other driveway patterns which are designed to provide access to private garages and/or doorways.
- (5) Whenever the occupant of a single-family residence is granted a special use permit for a major home occupation, accessory dwelling unit, group home, or prenatal and infant care counseling center, the number of parking spaces provided shall be as set forth in this division or article IV, division 2 of this chapter, unless changed by the conditions set forth in the special use permit.

Other than as set forth in subsection (5) of this section, whenever a residence, single-family or multifamily structure is converted to any nonresidential use or experiences a density

increase through the partitioning into additional dwelling units, including the addition of an accessory dwelling, or whenever a residential use is converted into a transient residential use, the use shall immediately conform to all applicable provisions of this division. Prior to conversion or issuance of a certificate of occupancy, a site plan shall be approved if required by division 7 of this article.

Subdivision IV. – Regulation by Use Types

Sec. 48-1004. – Table of use types.

Table 3
Parking Requirements by Use

Editor's note: Insert the following into existing

Use Types	Loading	Required Off-Street Parking and Standing Spaces
<i>Residence</i>		
Dwellings:		
One-family detached and two-family semidetached		1 per dwelling unit
Accessory Dwelling		None

DIVISION 6. – HEIGHT, LOT AND YARD REGULATIONS

Sec. 48-1102. – Additional requirements, exceptions and modifications.

(a) Structures permitted above height limit.

- (1) Radio or transmission towers or masts, or necessary industrial, utility or public service structures and monuments, spires, belfries, steeples, flagpoles, commercial and public utility wireless masts, water tanks and silos may exceed the height limit in the zoning district no more than 25 feet.
- (2) Fire or parapet walls shall not exceed four feet above the height of the building.
- (3) Penthouses or roof structures for the housing of elevators, stairways, tanks, ventilating fans or similar equipment required to operate and maintain the building, skylights, towers or similar roof structures shall not exceed a maximum of 20 feet above the height of the building and shall be concealed either by a parapet wall or by exterior architectural material of the same type

and quality as that used in the exterior walls of the building.

- (4) Chimneys and smokestacks which are an integral part of a penthouse may exceed the height of the building by no more than 24 feet.
- (5) No penthouse, roof structure or any other enclosure above the height limit shall be used for any purpose other than to service the principal building; provided no penthouse roof structure or any other enclosure above the height limit shall be allowed for the purpose of providing habitable floorspace for permitted or accessory uses.

(b) *Substandard lots.*

- (1) Any lot of official record as of February 14, 1944, or any lot of a subdivision approved by the city from February 14, 1944, to the effective date of the ordinance from which this division is derived, which does not meet the lot size requirements for the district in which it is located, may be used for a one-family dwelling, provided:

- a. It is in an R district; and
- b. It cannot reasonably be combined with other property to meet the minimum size requirements. Contiguous substandard lots shall be considered combined for the purposes of administering all zoning regulations as of August 1, 2013, if one home straddled or touched the contiguous lots as of that date, and that home used both substandard lots for setback purposes. The limitations of this subsection shall not apply to substandard lots for which all of the following are true on or before August 1, 2014:

- 1. The substandard lots have been placed in separate ownership and Arlington County land recordation of such has been completed and presented to staff.
- 2. A complete grading plan meeting all the requirements of the City of Falls Church Code for the subject lots has been applied for and accepted by the city for review.
- 3. A demolition permit for the house has been applied for and demolition has been completed under that permit within six months of issuance.

- (2) If the requirements of subsections (b)(1)a and b of this section are met, then:

- a. A substandard lot's side yard may be reduced to not less than 20 percent of the lot width, but not to less than 7½ feet in any case.
- b. A substandard lot's rear yard may be reduced to not less than 30 percent of the lot depth but not less than 20 feet in any case.
- c. The substandard lot building height shall be determined as a ratio of actual lot area to the required lot area, multiplied by the maximum allowable height in the underlying zoning district. However, the substandard lot building height shall not be required to be less than 25 feet.

- (c) *Front yards.* In any R district, the minimum front yard for new construction, new buildings, and new additions to existing residential structures, except for corner lots in R-1A and R-1B districts, shall be the average of the nearest front yards on either side, or if there be a building on one side only, then it shall be the same as the front

yard for that building; provided, no front yard shall be less than 30 feet in an R-1A district and 25 feet in an R-1B district, and that no front yard need be more than 50 feet. For corner lots in R-1A and R-1B districts, the average setback requirement shall apply only to the front yard on which an existing or proposed front door of a residential structure faces. Except for vacant corner lots, the average setback requirement shall apply only to the front yard on which a front door will face. For those corner lots on which the front door does not clearly face either front yard (residence sited on diagonal) averaging shall not be required.

- (d) *Measurement of yards.* The minimum front yard depths shall be measured from the existing street right-of-way line as shown in Illustration 2 of section 48-2, Definitions, except where a street is designated for widening or extension by the official major thoroughfare plan, the measurement shall be taken from the future right-of-way line, or as specifically noted in this ordinance. In determining the location of such future right-of-way line, it shall be assumed that the street is to be widened equally on both sides of the centerline to the full width designated by the official major thoroughfare plan, unless there is an attested copy of an officially adopted detailed plan on-file with the planning commission for such street widening, extension, or location, in which case the latter shall control. In no case shall any street in an R or T district be considered, for the purposes of this division, as having a right-of-way less than 50 feet wide, nor in any other district less than 60 feet wide. Each yard shall be measured horizontally to the nearest point of the building or nearest line of the use area, except for allowable projections.
- (e) *Buildings and projections in yards.* Except for accessory dwellings, as regulated in Section 48-1223, the following buildings, uses and architectural features may occupy or project into required yards as indicated:
- (1) *Minimum front or rear yard.*
 - a. Cornices, eaves, or other architectural features: two feet, six inches.
 - b. Uncovered stairs or fire escapes: four feet, six inches.
 - c. Terraces, steps, uncovered porches and landings: six feet.
 - d. Bay windows and balconies occupying not more than one-third of the wall length: three feet.
 - (2) *Side yard.* The same projections named in subsection (e)(1) of this section may project the same distances into a minimum side yard provided no such projection may exceed three feet. Any permitted use other than a building may occupy any part of a minimum side yard.
 - (3) *Minimum rear yard, except residential developments requiring site plans.*

Any permitted use or accessory structure not over 1½ story or 12 feet in height and accessory dwellings, such buildings occupying in the aggregate not more than 30 percent of the minimum rear yard area, or up to 50 percent where such buildings include an accessory dwelling, shall be located not less than five feet from the principal building, not less than ten feet from all street and alley lines and not less than three feet from all other lot lines, notwithstanding any regulation or standard included in Article V. Division 12. Accessory uses, other than buildings, may occupy all or any part of a required rear yard.
 - (4) *Front yard in the R-1A or R-1B district only.* In addition to the projections as

set forth in subsection (e)(1) of this section, a deck or unenclosed porch, may project up to eight feet into the required front yard; an enclosed portico or porch, not more than eight feet in width, may not project more than eight feet into the required front yard.

- (f) *Attached accessory buildings.* A private garage or other accessory structure that does not house a dwelling may be attached to the principal building, if made structurally a part thereof or may be attached by a covered passageway not less than ten feet wide. Such accessory structure may not occupy any part of a required front or side yard.

DIVISION 12. – ACCESSORY DWELLINGS

Sec. 48-1222. – Intent.

Accessory dwellings are intended to provide additional options for meeting the housing needs of the community. They are intended to be subordinate to primary dwellings in square footage and exterior dimensions, thereby maintaining the visual character of existing neighborhoods and providing for a variety of housing sizes.

Sec. 48-1223. – Standards

The following standards shall apply for all accessory dwelling uses:

- (1) No accessory dwelling may be constructed unless a residential building permit has been issued specifically for the accessory dwelling.
- (2) No accessory dwelling may be occupied until a certificate of occupancy specifically for the accessory dwelling has been issued.
- (3) The owner of the property shall maintain the property as their primary residence at the time the permit and certificate required by subsections (1) and (2), above, are issued except for new construction where the principal dwelling and accessory dwelling are built together at that time.
- (4) No more than 4 persons shall occupy the accessory dwelling.
- (5) Accessory dwellings shall not be permitted to be used as short-term rentals, as defined in the Code of Virginia, § 15.2-983, as amended.
- (6) Gross floor area:
 - a. For accessory dwellings wholly within a basement, the accessory dwelling shall not exceed the gross floor area of the basement .
 - b. For all other accessory dwellings, the gross floor area shall exceed neither:
 - i. 1,000 square-feet or 50 percent of the principal dwelling gross floor area, whichever is less, when the principal dwelling gross floor area is over 1,400 square-feet.
 - ii. 700 square-feet when the principal dwelling gross floor area is 1,400 square-feet or less.

- (7) Parking requirements for accessory dwellings shall be as specified and regulated in Sec. 48-1004.
- (8) Height, setback, and separation requirements for detached accessory dwellings
- a. Maximum height shall not exceed any of the following:
 - i. The height of the principal dwelling.
 - ii. 20 feet.
 - iii. 1 ½ stories.
 - iv. For accessory dwellings located on substandard lots, the height shall be determined as a ratio of actual lot area to the required lot area, multiplied by the maximum allowable height in the underlying zoning district. However, the substandard lot accessory dwelling height shall not be required to be less than 15 feet.
 - b. Detached accessory dwellings up to 15 feet or 1 story in height must be set back 8 feet from rear and side lot lines unless the Board of Zoning Appeals grants a Special Use Permit that reduces the rear and side setbacks to no less than five feet each. The Board of Zoning Appeals shall consider and may set conditions on such applications as described in Sec. 48-172. All other detached accessory dwellings must be set back at least 10 feet from rear and side lot lines.
 - c. A detached accessory dwelling's nearest wall to the primary dwelling shall be no less than 5 feet away.
 - d. Detached accessory dwellings shall not be located in a front yard, nor closer to any street than the principal dwelling.
 - e. For corner lots, a detached accessory dwelling shall be set back no less than five feet from an abutting rear yard and no less than ten feet from an abutting front yard or side yard.
- (9) No building projections shall be permitted in setback areas except for cornices and eaves, up to two feet and six inches.
- (10) Any portion of a detached accessory dwelling above one story that contains windows that are not clerestory must be set back at least ten feet from any property line.
- (11) Accessory dwellings shall comply with underlying zoning requirements regulating lot coverage, in addition to those included in Sec. 48-1102(e)(3).
- (12) Attached or interior accessory dwellings must comply with the setback requirements of the associated principal dwelling.
- (13) Existing Accessory Structures: Accessory structures constructed prior to January 1, 2024 that do not comply with the standards in section 48-1223 or other lot sizes, setback and building height requirements can be occupied as an Accessory Dwelling subject to a Special Use Permit granted by the Board of Zoning Appeals. Such structures may not be extended. The Board of Zoning Appeals shall consider and may set conditions on such applications as described in Sec. 48-172.

THE CITY OF FALLS CHURCH, VIRGINIA, FURTHER ORDAINS THAT the City adopt the ordinance codified in this section with the following restrictions: following enactment of the ordinance codified in this section, the City Manager will bring to City Council an analysis of applications, approvals and projects every 12 months for the first 36 months following enactment.


1st Reading: 11-25-24

2nd Reading: 04-14-25

Adoption: 04-14-25

(TO24-17)

IN WITNESS WHEREOF, the foregoing was adopted by the City Council of the City of Falls Church, Virginia on April 14, 2025 as Ordinance 2088.

A handwritten signature in blue ink that reads "Celeste Heath". The signature is written in a cursive, flowing style. Below the signature is a solid horizontal line.

Celeste Heath, City Clerk