



ARLINGTON COUNTY, VIRGINIA

County Board Agenda Item
Meeting of September 14, 2024

DATE: August 27, 2024

SUBJECT: ZOA-2024-05. An ordinance to amend, reenact, and recodify ACZO Art. 4, 5, 6, 7, 12 and 18 to define recovery residence and allow as a residential use, by-right for 8 or fewer residents in one-family detached dwellings, and subject to use permit approval for more than 8 residents and/or in other dwelling types.

C. M. RECOMMENDATION:

Adopt the attached ordinance to amend, reenact, and recodify Articles 4, 5, 6, 7, 12, and 18 of the Arlington County Zoning Ordinance to define recovery residence and allow as a residential use, by-right for 8 or fewer residents in one-family detached dwellings, and subject to use permit approval for more than 8 residents and/or in other dwelling types.

ISSUES: This is a zoning ordinance amendment to modify existing provisions for residential uses related to recovery residences. The amendments are responding to a reasonable accommodation request. Community members and neighbors of recovery residences, while understanding the need for the use, have expressed concerns about the neighborhood impacts of the proposed use, specifically citing the neighborhood’s experience of two abutting recovery residences. Neighbors have suggested that limits on physical proximity to each other and to schools would help mitigate impacts.

SUMMARY: The proposed amendment would explicitly define and establish standards for recovery residences. Currently, the Zoning Ordinance does not explicitly provide for recovery residences. Recovery residences provide alcohol- and illicit-drug-free housing for persons in recovery from substance abuse disorders. The proposed zoning ordinance amendment is responding to a reasonable accommodation request to allow recovery residences of more than four (4) unrelated people, to be located in residential neighborhoods, specifically, in one-family detached dwellings.

BACKGROUND: This proposed zoning ordinance amendment was initially prompted by a reasonable accommodation request under the Federal Fair Housing Act (FHA) submitted to the Zoning Administrator in 2023. In that request, Oxford House, Inc. sought a waiver from the strict application of the Zoning Ordinance to allow a recovery residence with eight (8) residents to occupy a one-family dwelling. Specifically, Oxford House, Inc. cited the status of persons in drug and/or alcohol recovery as “handicapped individuals” per the 1988 amendments to the Federal Fair Housing Act and requested that the recovery residences receive equal treatment to single family dwellings under the zoning regulations.

County Manager:

County Attorney:

Staff: Clifton Hogan, CPHD – Zoning Division
Suzanne Somerville, DHS – Behavioral Healthcare Division

DISCUSSION:

Recovery Residences:

Recovery residences are residential homes providing alcohol- and illicit drug-free housing to persons with substance abuse disorders including co-occurring mental illnesses. As defined in the Code of Virginia, recovery residence means: “*a housing facility that is certified by the Department [of Behavioral Health and Developmental Services] in accordance with regulations adopted by the Board and provides alcohol-free and illicit-drug-free housing to individuals with substance abuse disorders and individuals with co-occurring mental illnesses and substance abuse disorders that does not include clinical treatment services.*” (Code of Virginia §37.2-431.1).

While referred to as ‘housing facilities’ by the Code of Virginia, in practice recovery residences are independent households comprised of individuals unrelated by blood or marriage, who have selected a group living environment to facilitate recovery from substance abuse disorders. Recovery residences typically occupy rental dwellings located in residential neighborhoods.

The Virginia Department of Behavioral Health & Developmental Services (DBHDS) maintains a list of certified recovery residences, in accordance with Code of Virginia §37.2-431.1. For a recovery residence to be listed on the DBHDS list of certified recovery residences, it must submit an annual certification application to the DBHDS Office of Recovery Services. Certification requires identifying the credentialing entity and program under which a recovery residence will operate. There are two credentialing entities recognized in Virginia: Oxford House, Inc., and the Virginia Association for Recovery Residences (VARR). The Code of Virginia specifies that these credentialing entities both develop and administer certification programs for recovery residences throughout Virginia.

DBHDS certification is optional. However, without DBHDS certification a recovery residence cannot be recognized as such under the Code of Virginia. The proposed amendment also requires certification in order to meet the proposed Zoning Ordinance definition.

There are six (6) recovery residences located within the County, all operating under Oxford House Charters. Four (4) of these Oxford House chartered recovery residences have been certified by DBHDS. There are no recovery residences operating under VARR certification in Arlington.

Household Living in the Zoning Ordinance:

In the residential neighborhoods in which recovery residences seek to locate, the predominant housing type is one-family detached dwellings. The provisions in the Zoning Ordinance specify that a one-family detached dwelling can be occupied by one (1) ‘Family’ with four types of families identified:

- An individual, or two or more persons related by blood or marriage;
- Four (4) or less persons not related blood or marriage;
- Eight (8) or less unrelated persons with mental illness, intellectual disability or development disability;

- Assisted living facilities with eight (8) or less unrelated aged, infirm, or disabled persons licensed by the Virginia Department of Social Services.

At present, the provisions in the Zoning Ordinance are silent on recovery residences. As such, they are not explicitly permitted. The closest cognate is group residential facilities for persons with developmental disabilities. While recovery residences ostensibly meet the criteria for families comprising up to eight (8) persons with mental illness, intellectual disability or developmental disability, the Zoning Ordinance further characterizes these types of households as residential facilities licensed by the Virginia Department of Behavioral Health and Developmental Services and having one or more resident or nonresident staff on the premises. Unlike group residential facilities for individuals with development disabilities, recovery residences are self-governing and self-accountable. The lack of licensure and staffing in recovery residences effectively precludes recovery residences from being allowed as residential facilities for persons with developmental disabilities as currently defined in the Zoning Ordinance.

Despite this exclusion, recovery residences are still allowed in one-family detached dwellings if they have four (4) or fewer people. The Zoning Ordinance permits households of four (4) or less persons not related by blood or marriage to occupy one-family detached dwellings (ACZO §18.2 *Family (b)*). While this provision obliquely allows recovery residences in residential neighborhoods, the limitation on the number of residents does not satisfy the reasonable accommodation request which seeks to allow up to eight (8) unrelated persons to occupy a recovery residence. Nor does the limitation on number of residents support the recovery residence model, which seeks to have a minimum number of residents that is more than four (4), to create a successful peer-supportive environment.

For these reasons, overall, the characteristics and operation of the recovery residence model is more comparable to a residential household as opposed to a licensed, managed housing facility.

Oxford House:

Oxford House, Inc., is a 501(c)(3) non-profit organization which organizes and oversees recovery residences across the country operating under the Oxford House system of drug and alcohol recovery. The Oxford House system is implemented via an Oxford House Charter.

An Oxford House Charter obliges the residents to follow the Oxford House system, which features a zero-tolerance policy regarding resident alcohol and/or illicit drug use, whether occurring on premise or off-site. Residents violating this prohibition are immediately expelled from the recovery residence.

Oxford House, Inc., maintains regular contact with the residents occupying chartered houses through local outreach coordinators, who ensure that the recovery residence is operating in accordance with the Oxford House system of recovery as well as provide assistance in tracking vacancies, managing household financial responsibilities, and handling any other issues that arise. In addition, representatives from each Oxford House participate in monthly meetings with other local Oxford Houses to exchange information and seek resolution of problems in a particular house.

Establishing a sufficient support group within a household is key to the success of the Oxford House system of recovery. Oxford House does not charter houses for less than six (6) residents, as fewer residents do not provide an effective support group.

Recovery Residences in Peer Jurisdictions:

Staff reviewed zoning regulations for several other jurisdictions in Virginia to inform the proposed amendment. A summary of findings follows:

Allowance	Regulations
By-right provisions for 8 or fewer unrelated people	<ul style="list-style-type: none"> • City of Alexandria places no restriction on the number of unrelated persons allowed to occupy a dwelling (this is a recent amendment adopted in July 2024). • City of Falls Church permits up to 8 unrelated persons to occupy any dwelling by-right. • Harrisonburg, VA explicitly defines Recovery Residence as a use, specifically citing Code of Virginia §37.2-431.1. and certification by the Virginia DBHDS. Recovery residences with 8 or fewer residents are permitted by-right in any dwelling and by special exception for more than 8 residents. Harrisonburg’s regulations are most similar to this proposed amendment. • Middlesex County permits ‘Group Residential Facilities’ of up to 8 persons defined as handicapped under the Federal Fair Housing Amendments Act of 1988 to occupy a dwelling by-right. • Chesterfield County permits ‘Residential Care Homes’ of up to 8 unrelated persons to occupy a dwelling by-right.
Special use permit approval for more than 4 people	<ul style="list-style-type: none"> • Fairfax County allows up to 4 unrelated persons to occupy a dwelling by-right, with additional provisions allowing ‘Group Households’ with 5 to 10 unrelated persons to occupy a dwelling, contingent on approval of a special use permit. • Loudoun County allows up to 4 unrelated persons to occupy a dwelling by-right, with additional provisions allowing ‘Congregate Housing’ for 5 or more unrelated persons, requiring approval of a special exception. • Newport News, VA permits no more than 6 residents to occupy a dwelling contingent on approval of a conditional use permit. Recovery homes are subject to multiple use standards including a minimum lot size of 6,600 sq. ft., off-street parking requirements, and a minimum 5,000 ft. separation between any two recovery homes. Newport News’ regulations pre-date the definition of Recovery Residences in VA Code.

Allowance	Regulations
No provisions for recovery residences of more than 4 unrelated people	<ul style="list-style-type: none"> • Prince William County permits up to 4 unrelated persons to occupy a dwelling by-right.

Arlington Affordable Housing Master Plan & House Bill No. 646:

As recommended in Arlington’s Affordable Housing Master Plan (AHMP) and Regional Fair Housing Plan for Arlington County, the Planning Division’s work program includes an identified zoning study to consider changes to the Zoning Ordinance allowing for a broader definition of “family” and household living for occupancy purposes. As specifically noted in the AHMP, at that time staff anticipated exploring changes that may allow nontraditional families, extended families, and unrelated individuals (including older adults and persons with disabilities) to live together with the aim of reducing housing costs and, in some cases, allowing more efficient access to services. Prior to proceeding, a specific scope of study will be established based on objectives outlined in these County adopted plans, as well as more contemporary factors that may be appropriate to include. Staff anticipates commencing work on this zoning study in 2025. This future zoning study may result in amendments affecting both the ACZO’s current provisions for families and household living, and may also affect the regulation of recovery residences, as may be approved by the Board with the subject zoning ordinance amendment. If necessary, any amendments resulting from this future study that affect recovery residences would be addressed in the context of that additional work.

The Virginia General Assembly’s 2024 legislative session saw the introduction of House Bill No. 646 (HB646). This bill proposes to amend the provisions in Code of Virginia §15.2-2291 *Assisted living facilities and group homes of eight or fewer*, to require local zoning ordinances to expressly permit certified recovery residences as a single-family residential use with no restrictions beyond those imposed on residences occupied by person related by blood, marriage, or adoption. The proposed provision reads:

C. Zoning ordinances for all purposes shall consider a certified recovery residence, as defined in § 37.2-431.1, in which individuals with substance use disorder reside, either with or without one or more resident or nonresident staff persons, as residential occupancy by a single family. No conditions more restrictive than those imposed on residences occupied by persons related by blood, marriage, or adoption shall be imposed on such certified recovery residence.

Code of Virginia §15.2-2291 was first adopted in 1990 and required local zoning ordinances to consider residential facilities with up to eight (8) individuals with mental illness, intellectual disability or developmental disability as a single-family residential occupancy. HB646 imposes a similar requirement on local jurisdictions in considering and treating recovery residences.

HB646 was ultimately not acted upon by the full General Assembly during the 2024 legislative session. After the proposed bill was reviewed in committee, it was continued to the 2025 legislative session. While not germane to the reasonable accommodation request, the proposed amendments were informed by this pending bill. Should the County Board adopt the zoning ordinance amendment to explicitly define recovery residences and allow as a permitted use, and should the General Assembly adopt a version of HB646 in 2025 that diverges from the amended text that the Board adopts, staff intends to recommend further amendments to ensure alignment between the ACZO and the Code of Virginia.

Proposed Zoning Provisions:

In drafting the proposed amendment, staff considered the practical operation of recovery residences (the Oxford House model in particular), the zoning provisions of peer jurisdictions, the upcoming Affordable Housing Master Plan zoning study, and pending House Bill No. 646. Staff's proposal represents a narrowly proscribed set of text changes intended to feasibly allow recovery residences in a manner compatible with existing zoning provisions for residential uses while not presupposing the outcomes of any future zoning studies or amendments to the Code of Virginia.

The full complement of proposed text amendments is appended in *Attachment A* but in summary includes the following:

- **New Definition for 'Recovery Residence'**

The amendment would introduce a new defined term for §18.2 *General Terms Defined*:

"Recovery Residence: A dwelling certified by the Virginia Department of Behavioral Health and Development Services providing alcohol-free and illicit-drug-free housing to persons with substance abuse disorders and/or co-occurring mental illnesses but where no clinical and/or substance abuse treatment services are provided on premises."

This new definition serves to explicitly identify what constitutes a recovery residence. The proposed language aligns with the definition for recovery residences in the Code of Virginia §37.2-431.1; clearly specifying certification by the Virginia Department of Behavioral Health & Developmental Services is a key characteristic of the use.

- **Modifications to the Residential Use Categories**

The amendment would explicitly categorize recovery residences as an example of Residential Household Living, per §12.2.3.A *Household Living*. Concurrently, the amendment cites recovery residences as not being an example of Residential Group Living, per §12.2.3.B *Group Living*.

- **Modifications to the Principal Use Tables**

The amendment would add recovery residences as a specific use type in the various Principal Use Tables to identify the zoning districts where recovery residences are permitted as well as citing the new use standards (see below). The amendment proposes

permitting recovery residences in every zoning district that allows one-family detached dwellings.

- **New Use Standard for Recovery Residences**

The amendment would introduce a new use standard for recovery residences:

“In Zoning districts where allowed, recovery residences with eight or fewer residents are permitted by-right in one-family detached dwellings. Recovery residences with more than eight residents and/or located in a dwelling other than a one-family detached dwelling shall require County Board approval of a use permit, per §15.4.”

The new use standard would permit recovery residences with up to eight (8) residents by-right in one-family detached dwellings, both satisfying Oxford House’s specific reasonable accommodation request while also aligning with the existing allowances for residential facilities for persons with developmental disabilities. In addition, the proposed use standard provides a special exception use permit option for recovery residences that exceed eight (8) residents and/or seeking to occupy housing types other than one-family detached dwellings, such as duplexes or townhouse dwellings.

Under ACZO §15.2. *Certificates of Occupancy*, establishing a recovery residence would constitute a change of use that requires obtaining a certificate of occupancy. If the proposed amendments were to be adopted, thus defining recovery residences as a use in the Zoning Ordinance, recovery residences would be required to obtain DBHDS certification and consequently be chartered by Oxford House or a VARR certified operator. A certificate of occupancy requires inspection by Zoning and Inspection Services Division (ISD) staff prior to issuance.

Alternative Use Standards:

The proposed amendment, including the use standard to allow recovery residences by-right for up to eight (8) people, and subject to use permit approval for more than eight (8) people, is staff’s recommendation, which intends to allow and regulate recovery residences in a manner comparable to residential facilities for persons with developmental disabilities. However, the scope of the advertisement would allow the County Board to consider requiring a special exception use permit for recovery residences with as few as five (5) residents.

PUBLIC ENGAGEMENT:

Level of Engagement: Communicate. This level of engagement is appropriate as the proposed amendments are in response to a reasonable accommodation requested under the Federal Fair Housing Act. The proposed zoning changes are compatible with similar residential uses in the Arlington County Zoning Ordinance and consistent with relevant provisions in the Code of Virginia.

Outreach Methods: Outreach included publishing this item on the agenda for this meeting and making this Board Report available to the public on the County’s meeting agenda website. In addition, staff has conducted the following outreach:

- Disabilities Advisory Commission (DAC) – a memorandum was transmitted on July 10, 2024, to notify and request comments on the proposed zoning changes.
- Zoning Committee (ZOCO) – the proposed amendment was presented and discussed at the July 16, 2024, public meeting. Public testimony from the community expressed concerns over allowing recovery residences by-right for up to eight (8) persons citing negative impacts to on-street parking, potential overcrowding, and increased nuisance and crime.
- County Board (Request To Advertise) – the proposed amendment was presented and discussed at the July 23, 2024, recess public hearing for request to advertise. Public testimony expressed concern over two abutting recovery residences located on North Stuart Street resulting in parking issues for the neighborhood and greater frequency in police and EMS dispatches to the neighborhood.
- Community Services Board, Substance Use Committee – a memorandum was transmitted on August 16, 2024, to the Chair of the Substance Use Committee.
- On August 21, 2024, staff facilitated a conversation between Oxford House representatives and neighbors of two recovery residences on North Stuart Street to discuss community concerns and issues that had previously been raised at the July 16, ZOCO meeting and at the July Request to Advertise public hearing before the County Board.
 - Neighbor concerns focused on impacts of two recovery residences abutting each other on the same block. Concerns were articulated in detail and summed up by the neighborhood representative as quality-of-life issues. Staff summarizes the categories of concerns discussed to include frequent police/EMS responses with flashing lights, numerous visitors trespassing, parking and/or idling in private off-street parking and common areas, property maintenance, frequent gatherings on the front porches, aesthetics and safety related to the nearby school.
 - Oxford House representatives indicated that they take neighborhood complaints seriously, want their houses to be good neighbors, and can address concerns if they are made aware of issues. Oxford House also shared that while an Oxford House is expected to establish rules and self-regulate as part of the peer-supportive model, that there are steps Oxford Staff will take if that is not working. Oxford House also sought to dispel stereotypes they hear frequently regarding people in recovery, regarding safety and background of their residents.
 - Staff also shared in the meeting, that the County has services for the recovery population, and Oxford House residents may also be under the oversight of other County agencies.
 - The purpose of this meeting was to initiate conversation between the neighborhood and Oxford House outreach staff and share contact information for continued open lines of communication. Staff has not proposed a limitation on proximity of recovery residences to one another, in the amendment. The amendment likens the recovery residence use to residential facilities for eight (8) or fewer persons with developmental disabilities, which under the Code of VA is required to be permitted

by-right in residential dwellings without any restrictions on physical proximity to other residential facilities.

- Planning Commission – the proposed amendment will be presented at the September 4, 2024, public meeting.
- Housing Commission – the proposed amendment will be presented at the September 5, 2024, public meeting.

FISCAL IMPACT: The proposed zoning ordinance amendment does not carry any fiscal impacts.

CONCLUSION: Staff recommends that the County Board adopt the ordinance to amend the zoning ordinance to define recovery residences and allow such use by-right for up to eight (8) people in one-family dwellings, and subject to use permit approval for more than eight (8) people and/or in other dwelling types. The proposed amendment would fulfill the reasonable accommodation request. The Code of Virginia grants the Zoning Administrator broad authority to interpret and apply the regulations in the Zoning Ordinance when there is uncertainty or ambiguity. The relevant text pertaining to Oxford House’s reasonable accommodation request is clear and unambiguous, and consequently beyond the interpretive powers of the Zoning Administrator. As such, the proposed avenue for granting the reasonable accommodation is County Board approval of a zoning ordinance amendment.

ZOA-2024-05. AN ORDINANCE TO AMEND, REENACT, AND RECODIFY ACZO ART. 4, 5, 6, 7, 12 AND 18 TO DEFINE RECOVERY RESIDENCE AND ALLOW AS A RESIDENTIAL USE, BY-RIGHT FOR 8 OR FEWER RESIDENTS IN ONE-FAMILY DETACHED DWELLINGS, AND SUBJECT TO USE PERMIT APPROVAL FOR MORE THAN 8 RESIDENTS AND/OR IN OTHER DWELLING TYPES.

BE IT ORDAINED that Articles 4, 5, 6, 7, 12 and 18 of the Arlington County Zoning Ordinance (ACZO) are hereby amended, reenacted, and recodified as shown in Attachments A for the purposes of defining recovery residence and allowing as a residential use, by-right for 8 or fewer residents in one-family detached dwellings, and subject to use permit approval for more than 8 residents and/or in other dwelling types.

* * *

In the proposed amendment, text proposed to be added is shown with underline and text proposed to be removed is shown with ~~strikethrough~~.

ATTACHEMENT A

Article 4. Public (P) Districts

§4.1. PUBLIC (P) DISTRICTS USE TABLES

§4.1.2. Public (P) districts principal use table

Table §4.1.2 lists the principal uses allowed within the P districts.

PUBLIC (P) DISTRICTS PRINCIPAL USE TABLE

Use Category	Specific Use Types	S-3A	S-D	P-S	Use Standards
KEY: P = allowed by-right; U = requires use permit approval; S = requires site plan approval; Blank cell = not permitted					
Residential Use Categories (See §12.2.3)					
Household Living (See §12.2.3.A)	Dwelling, one-family	P	P	P	
	Independent living facilities		S		§12.3.12
	<u>Recovery residence</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>§12.3.9</u>

Article 5. Residential (R) Districts

§5.1. RESIDENTIAL (R) DISTRICTS USE TABLES

§5.1.2. Residential (R) districts principal use table

Table §5.1.2 lists the principal uses allowed within the R districts.

RESIDENTIAL (R) DISTRICTS PRINCIPAL USE TABLE

Use Category	Specific Use Types	R-20	R-10	R-10T	R-8	R-6	R-5	R15-30T	R2-7	Use Standards
KEY: P = allowed by-right; U = requires use permit approval; S = requires site plan approval; Blank cell = not permitted										
Residential Use Categories (See §12.2.3)										
Household Living (See §12.2.3.A)	One-family detached	P	P	P	P	P	P	P	P	§12.3.10
	Duplexes								P	S
	Duplexes, abutting RA, C or M districts, or located on a principal or minor arterial street as designated on the Arlington County Master Transportation Plan						U	U		§12.3.11
	Semidetached, abutting RA, C or M districts, or located on a principal or minor arterial street as designated on the Arlington County Master Transportation Plan						U	U		§12.3.11
	Semidetached							S	P	S
	Townhouses							S	P	
	Townhouse, semidetached and existing one-family dwellings			S						§5.4.4
	Townhouse, semidetached, one-family and stacked units							S		§5.8.4
	<u>Recovery residence</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>§12.3.9</u>

Article 6. Multiple-Family (RA) Districts

§6.1. MULTIPLE-FAMILY (RA) DISTRICTS USE TABLES

§6.1.2. Multiple-family (RA) districts principal use table

Table §6.1.2 lists the principal uses allowed within the RA districts.

Multiple-family (RA) Districts Use Table						
Category	Specific Use Types	RA14-26	RA8-18	RA7-16	RA6-15	Use Standards
KEY: P = allowed by-right; U = requires use permit approval; S = requires site plan approval; Blank cell = not permitted						
Residential Use Categories (See §12.2.3)						
Household Living (See §12.2.3.A)	One-family detached	P	P		P	
	Duplexes	P	P		P	
		S	S		S	
	Semidetached	P	P		P	
		S	S		S	
	Multiple-family	P	P	S	P	
				P		
	Townhouses	P	P	S	P	
	Townhouses, within the "Fort Myer Heights North Special District," as designated on the General Land Use Plan		S		S	§12.3.8
	Townhouses, within the "Housing Conservation District," as designated on the General Land Use Plan	S	S		S	§12.3.8
Townhouses, within the "Langston Boulevard Planning District," as designated on the General Land Use Plan	S	S		S	§12.3.8	
Townhouses, semidetached and existing one-family	S	S		S	§12.3.4	
Independent living facilities	S	S	S	S	§12.3.12	
	<u>Recovery residence</u>	<u>C/P</u>	<u>C/P</u>		<u>C/P</u>	<u>§12.3.9</u>

Article 7. Commercial/ Mixed Use (C) Districts

§7.1. COMMERCIAL/MIXED USE (C) DISTRICTS USE TABLES

§7.1.2. Commercial/mixed use (C) districts principal use table

Table §7.1.2 lists the principal uses allowed within the C districts.

COMMERCIAL/MIXED USE (C) DISTRICTS PRINCIPAL USE TABLE																						
	Specific Use Types	RA4.8	R-C	RA-H	RA-H-3.2	C-1-R	C-1	MU-VS	C-1-O	C-O-1.0	C-O-1.5	C-O-2.5	C-O	C-O-A	C-O ROSSLYN	C-O CRYSTAL CITY	C-2	C-TH	C-3	C-R	Use Standards	
Household	One-family detached	P	P		P	P	P		P	P	P	P	P	P	P	P	P	P	P	P	P	

KEY: C = requires use permit and site plan approval; P = allowed by-right; U = requires use permit approval; S = requires site plan approval; Blank cell = not permitted

Residential Use Categories (See §12.2.3)

COMMERCIAL/MIXED USE (C) DISTRICTS PRINCIPAL USE TABLE

Specific Use Types	RA4.8	R-C	RA-H	RA-H-3.2	C-1-R	C-1	MU-VS	C-1-O	C-O-1.0	C-O-1.5	C-O-2.5	C-O	C-O-A	C-O ROSSLYN	C-O CRYSTAL CITY	C-2	C-TH	C-3	C-R	Use Standards	
Living (See §12.2.3.A)	KEY: C = requires use permit and site plan approval; P = allowed by-right; U = requires use permit approval; S = requires site plan approval; Blank cell = not permitted																				
Duplexes	P	P		P																	
Semidetached	P	P		P																	
Multiple-family	P	S	P	P			S		S	S	S	S	S	S	S				P	S	
Townhouses	P		P	P																	
Townhouse, semidetached and existing one-family	S	S		S																§12.3.4	
Independent living facilities	S	S	S	S			S		S	S	S	S	S	S	S				S	§12.3.12	
Independent living facilities within the Clarendon Revitalization District as designated on the General Land Use Plan							U										U	U	U	§12.3.12 §9.2.2.D.3 §12.3.12 §10.2.5.A.2	
<u>Recovery residence</u>	<u>P</u>	<u>P</u>		<u>P</u>	<u>P</u>	<u>P</u>			<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>		<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>§12.3.9</u>

Article 12. Use Standards

§12.2. USE CATEGORIES

§12.2.3. Residential use categories

A. Household living

1. Characteristics

Household Living is characterized by residential occupancy of a dwelling unit by a family. Tenancy is arranged on a month-to-month or longer basis, except in limited accessory capacity where explicitly allowed by this Ordinance. Principal uses where tenancy may be arranged for a shorter period are not considered residential; they are considered a form of transient lodging (see Overnight Accommodations and Social Service Institutions).

2. Examples

Examples of Household Living include one-family detached; one-family attached; duplexes; semidetached; townhouses; multiple-family buildings; independent living facilities; recovery residences.

3. Accessory uses

Accessory uses include accessory dwellings; accessory homestay; car-sharing; direct broadcast satellite dishes; family/caregiver suites; family day care homes; greenhouses and nurseries not engaged in retail trade; garden, guest house; personal;

36 hobbies; home occupations; parking of occupants' registered vehicles; raising of pets;
37 recreational activities; storage sheds; and swimming pools.

38 **4. Uses not included**

39 Bed and breakfast establishments (see Overnight Accommodations); boarding or
40 rooming houses (see Group Living); extended-stay facilities (see Overnight
41 Accommodations); group home (see Group Living); halfway house (see Social Service
42 Institutions); hotels or motels; inns; nursing home (see Group Living); assisted living
43 facilities (see Group Living).

44 **B. Group living**

45 **1. Characteristics**

46 Group Living is characterized by residential occupancy of a structure by a group of
47 people, other than a family, typically providing communal kitchen/dining facilities and
48 no kitchens in individual living units. The size of the group may be larger than a
49 family. Tenancy is typically arranged on a monthly or longer basis.

50 **2. Examples**

51 Examples of group living include but are not limited to assisted living facilities and
52 nursing homes, intermediate care, boarding houses, dormitories, fraternity and
53 sorority houses, convents, group homes, monasteries, and rooming houses.

54 **3. Accessory uses**

55 Accessory uses include associated offices; garden, personal; hobbies; food preparation
56 and dining facilities; laundry facilities and services; parking of vehicles for occupants
57 and staff; and recreational facilities.

58 **4. Uses not included**

59 Adult day care (see Day Care); alternative or post-incarceration facilities; exclusive
60 care and treatment for psychiatric, alcohol, or drug problems, where patients are
61 residents (see Social Service Institutions); bed and breakfast establishments (See
62 Overnight Accommodations); child care center (see Day Care); independent living
63 facilities (see Household Living); extended-stay facilities, hotels or motels, inns (see
64 Overnight Accommodations); family day care home (see Accessory Uses); **recovery
65 residences (see Household Living)**; residential occupancy of a dwelling unit by a family
66 on a month-to-month or longer basis (see Household Living); time-shared interval
67 ownership facility (see Overnight Accommodations); treatment centers, transient
68 lodging or shelters (see Social Service Institutions).

69 **§12.3. RESIDENTIAL USE STANDARDS**

70 **§12.3.9. ~~[Reserved]~~ Recovery Residences**

71 In Zoning districts where allowed, recovery residences with eight or fewer residents are
72 permitted by-right in one-family detached dwellings. Recovery residences with more than
73 eight residents and/or located in a dwelling other than a one-family detached dwelling shall
74 require County Board approval of a use permit, per §15.4.

Articles 18. Definitions

§18.2. GENERAL TERMS DEFINED

For the purposes of this zoning ordinance certain terms and words used herein shall be defined and interpreted as follows.

Dwelling or dwelling unit. A building or portion thereof designed exclusively for residential occupancy by one family, which includes provisions for living, sleeping, eating, cooking and sanitation, including One-family detached; Semidetached; Duplex; Townhouse; Multiple-family building.

Family: (a) An individual, or two or more persons related by blood, marriage or adoption, or under approved foster care; or

(b) A group of not more than four persons (including servants) whether or not related by blood or marriage living together and sharing living areas in a dwelling unit; or

(c) A group of up to eight persons with mental illness, intellectual disability or developmental disability who are residing with one or more resident or nonresident staff persons in a facility which is licensed by the Department of Behavioral Health and Developmental Services of the Commonwealth of Virginia. For the purposes of this zoning ordinance, mental illness and developmental disability shall not include current illegal use of or addiction to a controlled substance as defined in Section 54.1-3401 of the Code of Virginia or its successor; or

(d) A group of up to eight aged, infirm or disabled persons who are residing with one or more resident counselor(s) or other staff person(s) in a facility licensed by the Virginia Department of Social Services of the Commonwealth of Virginia.

Group home. A residential facility in which more than eight individuals with mental illness, intellectual disability or developmental disability reside, with one or more resident or nonresident staff persons; provided that, for purposes of this definition and the use of the term within the zoning ordinance, "mental illness or developmental disability" shall not include current illegal use of or addiction to a controlled substance as defined in Va. Code § 54.1-3401; all as provided in Va. Code §15.2-2291.A.

Recovery Residence: A dwelling certified by the Virginia Department of Behavioral Health and Development Services providing alcohol-free and illicit-drug-free housing to persons with substance abuse disorders and/or co-occurring mental illnesses but where no clinical and/or substance abuse treatment services are provided on premises.