

City of Fairfax
Zoning Ordinance – Amended 1/23/24

(e) Uses not permitted

A blank cell in the accessory use table indicates that a use is not allowed in the respective district.

USE TYPES/USE GROUPS	RESIDENTIAL DISTRICTS						NONRESIDENTIAL DISTRICTS						SPECIFIC USE STANDARDS	
	R L	R M	R H	RT -6	R T	R MF	C L	C O	C R	C U	C G	I L		I H
Accessory dwelling units	P	P	P											§3.5.5.D.1

1. Accessory dwelling units

Accessory dwelling units, as is defined in §9.3.1, shall comply with the following standards:

- (a) No more than one accessory dwelling unit shall be allowed per single-family dwelling unit.
- (b) Accessory dwelling units shall be located within the structure of a single-family dwelling unit; and any added external entrances for the accessory dwelling unit shall be located on the side or rear of the structure.
- (c) The gross floor area of an accessory dwelling unit shall not exceed 35 percent of the total gross floor area of the principal dwelling.
- (d) No accessory dwelling unit shall contain more than two bedrooms.
- (e) Occupancy of an accessory dwelling unit and the principal dwelling shall be as follows:
 - (1) One of the dwellings (principal or accessory dwelling unit) shall be owner occupied;
 - (2) At least one of the dwelling units shall be occupied by:
 - (i) Any person 55 years of age or over; and/or
 - (ii) Any person with a handicap as defined in the 1988 amendments to the federal Fair Housing Act, to include a person with a physical or mental impairment which substantially limits one or more major life activities; a record of such an impairment; or being regarded as having such an impairment.
 - (iii) The combined occupancy of the single-family dwelling unit and the accessory dwelling unit shall consist of one family only, which is defined as one person or a group of persons related by blood or marriage, plus not exceeding three additional unrelated persons.
- (f) Any accessory dwelling unit established for occupancy by a person with physical disabilities shall provide for reasonable access and mobility as required for the person with disabilities. The applicant shall specify the measures for reasonable access and mobility. Generally, reasonable access and mobility for persons with physical disabilities shall include:

- (1) Uninterrupted access to one entrance; and
- (2) Accessibility and usability of one bathroom.

(g) No more than two vehicles utilized by residents of the accessory dwelling unit shall be allowed.

(h) In no instance shall approval of an accessory dwelling unit be deemed a subdivision of the principal unit.

(i) Any accessory dwelling unit shall meet the applicable regulations for zoning, building, safety, health, and sanitation.

(j) The owner shall make provisions to allow inspections of the property by city personnel during reasonable hours upon prior notice. An initial inspection of a new accessory dwelling unit will be conducted by a zoning administrator, in addition to any renewal of the accessory dwelling unit use or transfer of ownership of the subject property.

(k) The zoning administrator may inspect the property if there is a complaint registered with the city or if the official has other reason to believe that the owner or occupants of the property are in violation of the accessory dwelling unit approval.

(l) Upon transfer of ownership of the subject property, the new owner shall be required to certify in writing to the zoning administrator that either:

(1) Continued use of the accessory dwelling unit will comply with the conditions of the previous approval for the accessory dwelling unit use; or

(2) Use of the accessory dwelling unit will not be continued, and the use of the space as a separate dwelling unit will cease in accordance with §3.5.5.D.1(m), below.

(m) If there is a change in occupancy of the accessory dwelling unit that does not comply with the conditions under which the accessory dwelling unit was approved, use of the space as a separate dwelling unit shall cease, the physical arrangement of the space that created an independent housekeeping unit shall be integrated into the primary dwelling unit, and the space shall not be independently leased as a separate dwelling unit.