



## ARLINGTON COUNTY, VIRGINIA

**ZOA-2020-02**

**(Nonconforming Two-Family Lots and  
Dwellings in RA Districts)**

Adopted September 12, 2020

Effective September 12, 2020

At the County Board regular meeting on September 12, 2020 on a motion duly made by County Board member Takis P. Karantonis and seconded by County Board member Katie Cristol, the Arlington County Board unanimously adopted the following ordinance, effective immediately, to amend, reenact and recodify Article 16 of the Arlington County Zoning Ordinance to enable expansions and additions to nonconforming two-family dwellings in Article 6 RA districts in order to facilitate the creation of a convenient, attractive, and harmonious community and for other reasons required by public necessity, convenience, general welfare and good zoning practice.

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Approved amendments are shown with **bold underline** to denote new text, and **~~bold strikethrough~~** to denote deleted text.

Where paragraphs are added or deleted, all subsequent paragraphs are renumbered accordingly, and all references throughout the Zoning Ordinance are updated accordingly.

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# Article 1. Nonconformities

## §16.1. Nonconforming Lots

### §16.1.1. Lots in R districts

In the R-20, R-10, R-8, R-6, and R-5 districts, where a lot has less width and/or less area than required in the subject district and was recorded under one ownership at the time of the adoption of this ordinance (July 15, 1950), such lot may be occupied by any use permitted in the respective districts.

## §16.2. Nonconforming Buildings and Structures

### §16.2.1. Applicability

The provisions of this section shall apply to all nonconforming buildings and structures except as otherwise expressly stated in this zoning ordinance.

### §16.2.2. Maintenance permitted

Nonconforming buildings or structures may be maintained, except as otherwise provided in §16.2

### §16.2.3. Repairs, alterations

- A. Repairs and alterations may be made to a nonconforming building or structure; provided, that no structural alteration shall be made except those required by law or ordinance, or as provided in §16.2. Repairs and alterations to a nonconforming dwelling, building or structure not otherwise permitted under this Zoning Ordinance are prohibited, unless approved under a use permit or variance pursuant to sections §15.6.4 and §15.6.6
- B. Notwithstanding any provision to the contrary in this Ordinance, existing nonconforming one- and two-family dwellings, and nonconforming accessory buildings and structures located in the R and RA districts shall be permitted to make interior repairs and alterations, whether structural or non-structural, provided the repair or alteration is wholly contained within the existing exterior walls of the dwelling, building or structure.

### §16.2.4. Additions, enlargements, moving

- A. A nonconforming building or structure shall not be added to or expanded in any manner unless such building or structure, including such additions and expansions, is made to conform to all the regulations of the district in which it is located.
- B. A building or structure which does not comply with the height or lot area regulations shall not be added to or expanded in any manner unless such addition or expansion conforms to all the regulations of the district in which it is located; provided, that the total aggregate floor area included in all such separate additions and expansions does not exceed 50 percent of the floor area contained in the existing building or structure, as of July 15, 1950.

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- C. A building or structure lacking sufficient automobile parking space in connection therewith as required in §14.3 may be altered or expanded, provided additional automobile parking space is supplied to meet, for the entire building, requirements of §14.3.
  - D. No nonconforming building or structure shall be moved in whole or in part to any other location on the lot unless every portion of such building or structure is made to conform to all the regulations of the district in which it is located.
  - E. The provisions of §16.2.4.A, §16.2.4.B, §16.2.4.C, and §16.2.4.D do not apply to existing nonconforming one-family dwellings and nonconforming buildings or structures accessory to one-family dwellings located in the R-5, R-6, R-8, R-10, R-20, and R2-7 districts. The provisions of §16.2.4.A do not apply to existing nonconforming two-family dwellings and/or nonconforming buildings or structures accessory to two-family dwellings located in the R2-7 district **and/or RA14-26, RA8-18, RA7-16, and RA6-15**. The additions or expansions permitted through §16.2.4.E shall comply with all current provisions of this zoning ordinance, except as provided in §16.2.4.E.1.
    - 1. Nonconforming one-family dwellings and two-family dwellings permitted to add on to or expand pursuant to §16.2.4.E may construct, within applicable height limits, an addition over an existing one-family or two-family dwelling encroaching on a required setback or yard area provided there is no more of an encroachment into the required setback or yard than that of the existing wall below it, and providing that new construction may not take place over encroaching garages or porches.