

DECLARATION OF COVENANTS



THIS DECLARATION OF COVENANTS, CONDITIONS AND RESTRICTIONS is made this _____ day of _____, 20 ____ by and between _____ hereinafter known as "Declarant" and ARLINGTON COUNTY, VIRGINIA, by and through Arlova Vonhm, its Zoning Administrator.

WHEREAS, the Declarant is the sole owner of certain real property _____(RPC), located at _____(address) in Arlington County, Virginia known as: Lot _____, Block _____, Subdivision _____ as the same is duly dedicated, platted, and recorded in Deed Book _____ at Page _____, among the land records of Arlington County, Virginia.

WHEREAS, the Declarant desires to construct on aforesaid property an accessory dwelling as defined in the Arlington County Zoning Ordinance (ACZO),

WHEREAS, in order to construct and use said accessory dwelling on the aforesaid property, it is necessary to comply with certain zoning requirements and amendments thereto relating to accessory dwelling adopted by the Arlington County Board on May 18, 2019 as Article 12.9.2 of the ACZO.

NOW THEREFORE, Declarant, for and in consideration of the premises and the covenants contained herein does hereby agree to construct said accessory dwelling, to be used, held, transferred, sold, conveyed and occupied subject to the covenants, restrictions, and conditions hereinafter set forth, which are for the purpose of protecting the value and desirability of the premises and the character of the surrounding neighborhood and which covenants, restrictions, and conditions shall run with the real property and be binding on all parties having any right, title, or interest in the described property or any part thereof, their successors and assigns, and shall inure to the benefit of each owner thereof.

Article I

The accessory dwelling to be constructed on the above premises shall consist of not more than 750 square feet (unless fully contained within a basement) and shall be designed, arranged, used, and occupied by not more than three (3) persons.

Article II

In constructing and using this accessory dwelling, in order to meet zoning requirements for all accessory dwellings in all "R" Districts subject to approval by the Zoning Administrator, the Declarant hereby covenants that the following conditions will be binding on the declarant, his successors, and assigns:

- (1) Only one (1) accessory dwelling shall be permitted on the property.
- (2)
 - (a) For attached accessory dwellings located wholly within a basement, the gross floor area shall not exceed the footprint of the basement.
 - (b) When the gross floor area of the main dwelling is at least one thousand (1,000) sf and any portion of the accessory dwelling is located above the basement, the gross floor area of the accessory dwelling shall not exceed 35% of the combined floor area of the main and accessory dwelling, up to maximum of seven hundred and fifty (750) sf. This provision applies to both attached and detached accessory dwellings.
 - (c) When the gross floor area of the main dwelling is less than one thousand (1,000) sf and any portion of the accessory dwelling is located above the basement, the gross floor area of the accessory dwelling shall not exceed 45% of the combined floor area of the main and accessory dwelling, up to maximum of five hundred (500) sf. This provision applies to both attached and detached accessory dwellings.
 - (d) For detached accessory dwellings constructed after May 18, 2019, height shall not exceed either 25 feet or 1-½ stories. Detached accessory buildings constructed prior to May 18, 2019 are eligible for conversion to an accessory dwelling, even if that detached accessory building exceeds either 25 feet or 1-½ stories.

- (e) For detached accessory dwellings constructed after May 18, 2019, the footprint is restricted to 560 sq. ft. (in the **R-5** and **R-6** districts) and 650 sq. ft. (in all other **R** districts).
- (3) A valid Certificate of Occupancy shall be effective for the accessory dwelling.
 - (4) Required parking for the accessory dwelling, as established in the ACZO §14.3, shall remain in existence.
 - (5) A floor plan of the accessory dwelling that identifies its relationship to the rest of the dwelling shall be filed with the Zoning Administrator.
 - (6) No more than three (3) persons will occupy the accessory dwelling.
 - (7) The owner of the property will permit annual inspections of the accessory dwelling by the County.
 - (8) The Owner will advise all tenants of the accessory dwelling annual inspection requirement and of their obligation to cooperate with the Zoning Administrator in ensuring compliance with all applicable Zoning requirements.
 - (9) For accessory dwellings constructed after May 18, 2019 with an entrance above the first floor, exterior stairs to that entrance shall not be located on the side of the lot fronting a street. Detached accessory buildings constructed prior to May 18, 2019 may maintain exterior stairs to an entrance above the first floor, even if those exterior stairs are located on the side of the lot fronting a street.
 - (10) There shall be one (1) address for the property when the accessory dwelling is located within or attached to the main dwelling. If the accessory dwelling is located in a detached accessory building, it may require a separate address from the main dwelling.
 - (11) The Owner of the property will occupy a dwelling on the property. If the Owner does not occupy either the main dwelling or the accessory dwelling as his/her primary residence, the entire property may be occupied by no more than one (1) family.
 - (12) The Owner of the property will file with the Zoning Administrator, before the issuance of the Certificate of Occupancy, an affidavit of compliance with ACZO requirements for accessory dwellings. An affidavit of compliance will be re-filed whenever any structural alterations are made to the accessory dwelling and when there is a change in ownership of the main dwelling.

IN, WITNESS WHEREOF the following signatures and seals:

Signature

Print Name

COMMONWEALTH OF VIRGINIA
COUNTY OF ARLINGTON

Subscribed and sworn before me this this _____ day of _____, 20_____
by _____, the Declarant herein.

Notary Signature: _____

Notary Print Name: _____

My Commission expires: _____

Note: This document must be signed and notarized above prior to submission to the Circuit Court.

APPROVED: _____
*Arlova Vonhm, Zoning Administrator
Arlington County, Virginia*