



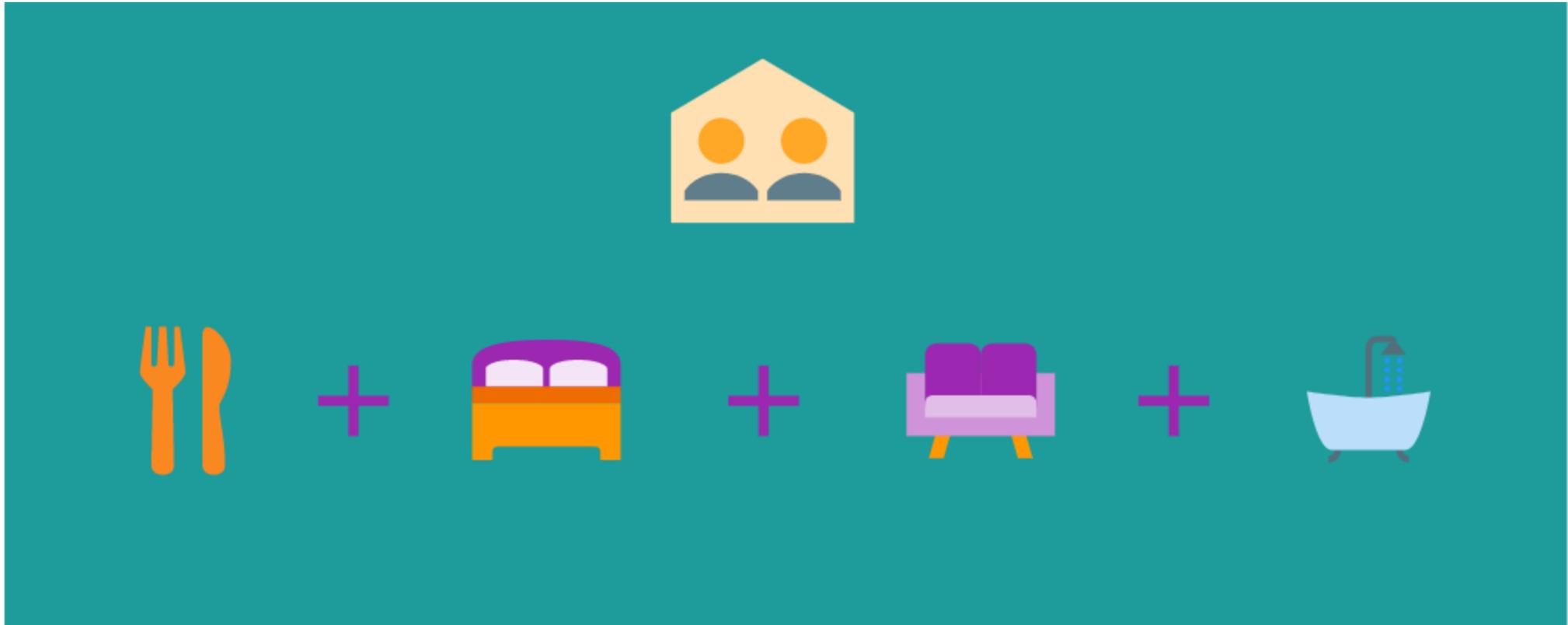
# Zoning Ordinance Modernization

Z M O D

Lunch & Learn  
Accessory Living Units  
July 21, 2021

# What is an Accessory Living Unit?

*A secondary dwelling unit established in conjunction with and clearly subordinate to a single-family detached dwelling unit.*



# Administrative Permit Standards

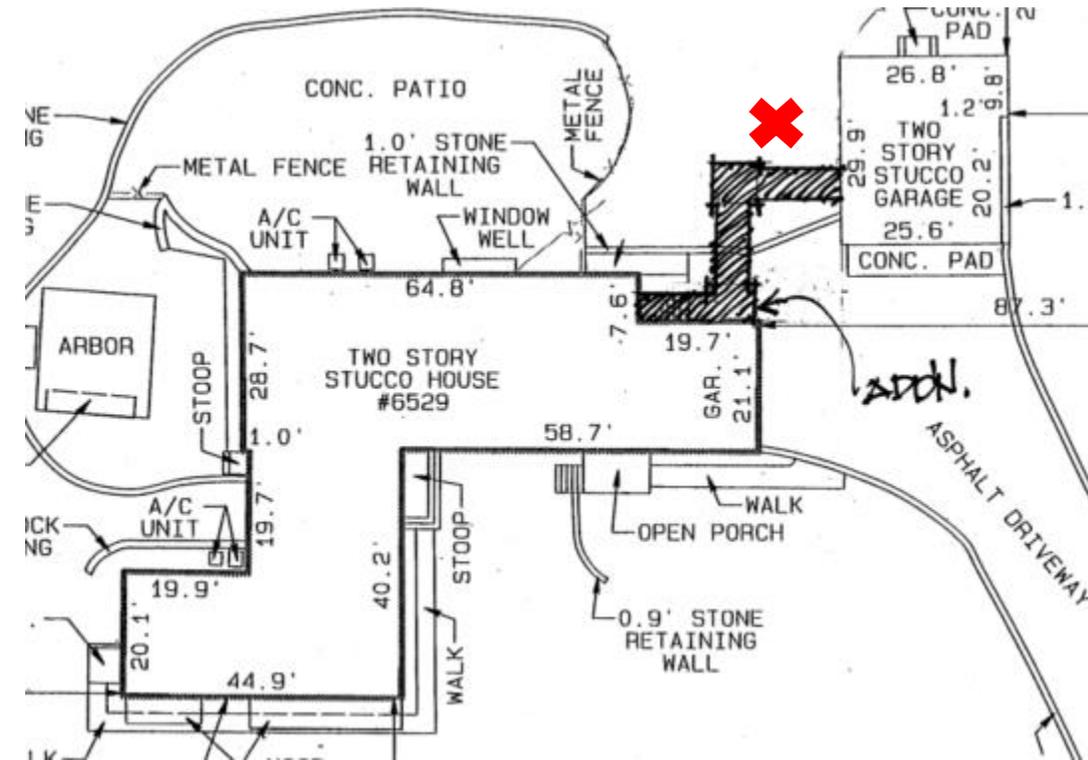
(1) An accessory living unit is permitted only in association with a **single-family detached** dwelling unit, and no more than **one** accessory living unit is permitted on a single-family lot.



# Administrative Permit Standards

(2) An accessory living unit must be wholly contained within the structure of a single-family detached dwelling unit and must have direct access to the principal dwelling through an interior space that is finished, temperature controlled, and fully enclosed.

- \* Cannot be connected via a breezeway or long hallway
- \*\* Must have the appearance of being a cohesive part of the main dwelling



# Administrative Permit Standards

(3) Any new external entrance proposed for an accessory living unit must be located on the side or rear of the dwelling. Any proposed garage or carport must be located directly adjacent to any existing garage or carport, and the associated driveway and curb cut must be the same as that which serves the principal dwelling.



# Administrative Permit Standards

(4) The accessory living unit must not exceed:

(a) **800 square feet** of gross floor area or **40%** of the gross floor area of the principal dwelling, **whichever is less**; or

(b) the entirety of the basement or cellar may be used, up to the size of the basement or cellar as of July 1, 2021.

A larger size may be allowed by special permit in accordance with subsection 8100.4.

For the purpose of determining the size of an accessory living unit approved either by administrative permit or special permit, regardless of the definition in Article 9, gross floor area includes the area of any basement or cellar having a structural headroom of six feet six inches or more, but **does not include a garage**.

\*GFA is measured from the interior walls

\*\*A basement built after July 1, 2021, is subject to the 800 SF or 40% size limitation

# Administrative Permit Standards

- (5) The accessory living unit may not contain more than **two bedrooms**.
- (6) Either the accessory living unit or the principal dwelling unit must be **owner-occupied**.
- (7) The accessory living unit may be occupied by no more than **two people**.



# Administrative Permit Standards

(8) The principal single-family dwelling unit may be occupied by not more than one of the following:

(a) Two or more persons related by blood or marriage and any number of their natural children, foster children, stepchildren, adopted children, or children in kinship care;

(b) One or two persons with their dependent children, including natural children, foster children, stepchildren, adopted children, or children in kinship care, functioning as a single household; or

(c) A group of not more than four persons not related by blood or marriage, functioning as a single household.

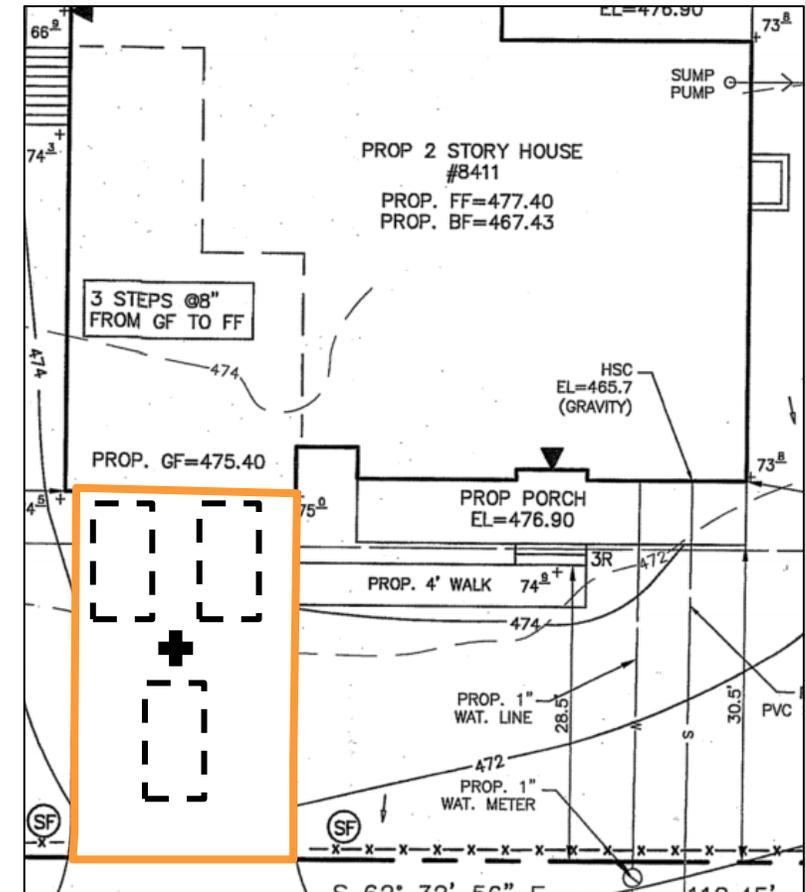


# Administrative Permit Standards

(9) As specified in Article 6, a dwelling with an accessory living unit must provide the number of on-site parking spaces required for the principal dwelling unit, plus one additional space. Only one space serving the lot must provide convenient access to the street.

\*Public street = three total spaces required; Private street = four total spaces required

\*\* A garage can be used to meet this requirement; however, it must be kept available for parking (no filling with storage)



# Administrative Permit Standards



(10) An accessory living unit must meet all applicable regulations for building, safety, health, and sanitation, and the construction of an accessory living unit is not deemed to be a subdivision of the lot on which the dwelling is located. If the dwelling is served by a well or septic system, the applicant must obtain Health Department approval prior to administrative permit or special permit approval.

\*Health Department review will be part of the PLUS application system – no separate application is needed.

# Administrative Permit Standards

(11) The accessory living unit must have a working multi-purpose fire extinguisher and smoke and carbon monoxide detectors (when required for a fireplace or gas service) that are interconnected with the principal dwelling.

\*\* New Building Code requirements require fire rated walls or **fire alarm system** if a stove or oven is present in the ALU. Fire alarm systems require a certification approval from LDS.



# Administrative Permit Standards



(12) Before occupancy of the accessory living unit, the owner must record a copy of the administrative permit among the land records of Fairfax County. The permit must contain a description of the property and must be indexed in the Grantor Index in the name of the property owner(s).

\*PLUS requires renewal requests to submit documentation that a copy was recorded in the land records

# Administrative Permit Standards

(13) An administrative permit for an accessory living unit may be issued to the owner for an initial period of two years from the date of approval. An administrative permit may be extended by the Zoning Administrator for succeeding periods of up to five years based on the applicant's record of compliance with the standards in this subsection.

# Administrative Permit Standards

(14) If the standards above are no longer being met, the accessory living unit may not be occupied as a dwelling unit and the property must meet the occupancy limitations of a single-family dwelling in accordance with subsection 4102.3.A. This standard does not require the removal of any kitchen or other facilities



# ALU PLUS Webpage

[www.fairfaxcounty.gov/  
planning-  
development/zoning/  
accessory-living-unit](http://www.fairfaxcounty.gov/planning-development/zoning/accessory-living-unit)

## Accessory Living Unit (Administrative Permit)



An accessory living unit is a secondary dwelling unit established in conjunction with and clearly subordinate to a single-family detached dwelling unit. These living spaces include areas for eating, sleeping, living, and sanitation. Accessory living units within the principal dwelling (not in a detached structure) and that meet all of the applicable standards, including access and entrances, size, and parking, may apply for approval through an administrative permit. Otherwise, an accessory living unit requires submission of an application for a special permit, which requires approval by the Board of Zoning Appeals.



Use-specific standards per subsection 4102.7.B of the Zoning Ordinance are included below.

### HOW TO SUBMIT AN APPLICATION

All accessory living unit (administrative permit) applications must be submitted electronically through the [PLUS application portal](#).

For additional information on how to use the PLUS application portal, please visit the [DPD PLUS Information & Support](#) page.

If you have questions or need assistance using the PLUS system, please contact the Help Desk:

- Hours of Operation: Mon. - Fri., 8 a.m. - 4 p.m.
- Email: [PLUSsupport@FairfaxCounty.gov](mailto:PLUSsupport@FairfaxCounty.gov)
- Phone: 703-324-2222, TTY 711

Launch PLUS →

# ALU PLUS Webpage, cont'd

## ADDITIONAL INFORMATION

- An application for an accessory living unit may take approximately 14 calendar days to process if no additional information is requested or required.
- The application fee is \$200. The fee for a renewal is \$70. Fees are paid electronically at the end of the application submission process. A service charge of 2.35% will be added to all fees paid with a credit card.
- As part of the application process, you must agree to abide by the standards for administrative permits and the standards for accessory living units when permitted by administrative permit, as described in subsection 4102.7.B of the Zoning Ordinance and below.
- Additional processes and approvals, such as the need for a building permit, may be identified and required during the administrative permit review process. Additional requirements may include, but are not limited to:
  - Installation of an interconnected fire alarm system. When a stove, oven, or range is located in the ALU, the building code requires fire-rated floor and wall assemblies between a principal unit and an ALU or an interconnected fire alarm system with third-party monitoring. Please see the link below for information on how to apply for a fire alarm system certification.
  - Permits for proposed construction or to bring an existing space into compliance, such as a permit for a stove or other cooking appliance, creation of an emergency egress point for a bedroom, or an electrical permit for previous unpermitted work.
  - If on well or septic, additional documentation may be required by the Health Department to accommodate any additional bedrooms.

## DOCUMENTATION REQUIRED

**Property Plan:** A plat showing the location of the dwelling. The plat must demonstrate that a total of three parking spaces are provided if the dwelling is located on a public street, and a total of four parking spaces are provided if located on a private street. Please label the location and provide the dimensions of these spaces. The identified spaces must be maintained as available for parking. For example, if the garage is identified, it cannot be used for storage.

**Floor Plan:** Must depict the internal layout of the principal dwelling and the accessory living unit. Label each room with its use and square footage and identify all existing and proposed external entrances and the internal access between the accessory living unit and the principal dwelling.

## ACCESSORY LIVING UNIT STANDARDS

The use-specific standards applicable to an accessory living unit are included below:

Standards when permitted by administrative permit:	+
Standards when permitted by special permit:	+

## RELATED RESOURCES

[Summary of the Adopted Accessory Living Unit Provisions](#)

[Accessory Living Unit Frequently Asked Questions](#)

[Fire Alarm Installation Certification](#)

# Questions & Discussion



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