



## Proposed zMOD Changes - Accessory Living Units

### Frequently Asked Questions

The responses below are intended to clarify the proposed regulations for accessory living units (currently known as accessory dwelling units) that may be adopted as part of zMOD. They do not address the current regulations.

- 1) Will this proposal lift the age or disability requirement for those living in the main dwelling AND the occupants of the accessory living unit?

Yes, under today's regulations, either someone in the principal dwelling or the accessory unit must be 55+ years old or a person with a disability. The proposal includes an option to remove this requirement for all occupants.

- 2) How much will this permit cost? Is this a one-time fee?

Staff recommends a \$200 fee for the administrative permit and \$435 (which is the current fee) for a special permit. A range would be advertised so the Board will have flexibility during the adoption process. This fee is a one-time fee, but a \$70 fee would be charged for every permit renewal.

- 3) Can I sell my home with the accessory living unit?

You may sell your home without removing any of the facilities, but the administrative permit or special permit would not transfer to the new owner. The new owner will have to meet all standards and apply for a new administrative permit or special permit. If they do not meet these standards or apply, the accessory living unit may not be occupied as a separate unit and may only be used for personal use by the occupants of the principal dwelling.

- 4) Does street parking count towards the designated parking space?

No, the designated parking space must be located on the lot. It can be in a driveway, garage, carport, etc. but it may not be located on the street. Staff is considering revising the proposed draft to require one more off-street parking space than required for the dwelling (i.e., a total of 3 or 4 spaces, depending on the street frontage) to be provided for approval of an ALU. Front yard coverage for driveways will continue to be limited to 25 or 30 percent, depending on the zoning district.

- 5) Is there a requirement that the homeowner live in one of the units? Or can they both be rented out?

Yes, the owner of the home must live on the premises either within the principal dwelling or the accessory living unit. Only one (either the principal or the accessory unit) may be rented out.

- 6) Do the changes allow anybody to have a detached accessory living unit?

No, only properties with at least two acres may apply for a detached accessory living unit. All detached units would continue to require a special permit application and a public hearing with the Board of Zoning Appeals.

- 7) How many accessory living units can somebody have?

There may only be one principal dwelling and one accessory living unit on a lot.

- 8) How many people can live in an accessory living unit? How big can the unit be?

A maximum of two people may live in an ALU, and the space is limited to no more than two bedrooms. In an interior unit, staff recommends limiting the size to 800 square feet or 40% of the principal dwelling, whichever is less. In a detached unit, staff recommends limiting the size to 1,200 square feet. Staff is considering allowing interior ALUs to use the entire to use the entire basement.



- 9) Can any type of dwelling have an accessory living unit, including townhouses and condos?  
No, only single-family detached dwellings may have an accessory living unit.
- 10) Can an accessory living unit be used for short-term lodging?  
No, there is a standard that specifically prohibits these units from being used for short-term lodging purposes.
- 11) Other jurisdictions use the term 'ADU.' Is this the same thing?  
In Fairfax County, the abbreviation 'ADU' is used for a different use, affordable dwelling units. These are separate units dedicated under the County's Affordable Dwelling Unit Ordinance, where an accessory living unit is a subordinate unit provided in conjunction with a single-family detached dwelling. The 'ADU' abbreviation should not be used when referencing accessory living units.
- 12) What does it mean that the owner must allow inspections by County personnel? How often are inspections?  
Both an administrative permit (see subsection 4102.1.I) and a special permit (see subsection 4102.7.B(16)) require the owner to allow for inspection during reasonable hours upon prior notice. These inspections could be by the Department of Code Compliance in response to a complaint, or they can be scheduled by inspectors within the Department of Planning and Development. Prior to approving the five-year renewal, the DPD staff will inspect the unit to ensure all requirements continue to be met. For more effective monitoring, staff is considering reducing the five-year renewal to two years. The two-year timeframe could be applied to the initial renewal or all renewals.
- 13) Can a homeowner have two roomers or boarders (renters) AND an accessory living unit with two occupants?  
No, if a dwelling has an accessory living unit, there cannot be two additional roomers or boarders. Consistent with the current Zoning Ordinance, a dwelling that does NOT have an accessory living unit and is occupied by a family is permitted to have two roomers or boarders.