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 all accessory living units be allowed by right?
   No, it is proposed that only an interior ALU (within the principal dwelling, such as in the basement) that meets all applicable standards be approved with an administrative permit issued by the Zoning Administrator. Certain standards, such as a larger size, could be modified with approval of a special permit by the Board of Zoning Appeals (BZA). A detached ALU would continue to require a minimum of two acres and special permit approval from the BZA.

2) Will this proposal lift the age or disability requirement for those living in the main dwelling AND the occupants of the accessory living unit?
   Under today’s regulations, someone either in the principal dwelling or the accessory unit must be 55+ years old or a person with a disability. The proposal includes an option for the Board of Supervisors to consider removing this requirement for all occupants.

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; otherwise, 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) Do I need to provide extra parking?
   Yes, for an administrative permit for an interior unit to be approved, the applicant will need to show that a total of one more space than is required for the dwelling is provided. For a dwelling located on a public street, three off-street parking spaces will be required and on a private street, four spaces will be required. The parking spaces can be in a driveway, garage, carport, etc. but may not be located on the street. Front yard coverage for driveways will continue to be limited to 25 or 30 percent in the R-1 through R-4 Districts. For ALUs approved by special permit, the BZA will determine whether additional parking is required.

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. Advertised size ranges from 500 – 1,200 square feet for interior ALUs and 700 - 1,500 square feet for detached ALUs have been included for Board consideration. In addition, an option has been included for the Board to consider allowing interior ALUs 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. ADUs 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) Does the County inspect ALUs for zoning compliance?

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 inspections by County personnel with reasonable notice. These inspections could be by the Department of Code Compliance in response to a complaint, or they can be scheduled by inspectors with the Department of Planning and Development (DPD). Prior to approving the renewal, DPD staff will inspect the unit to ensure all requirements continue to be met. The initial renewal will be required after two years, and subsequent renewals can be up to five years, based on the record of compliance.

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.

14) 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.

See subsection 4102.7.B (pages 355 – 358 of the annotated Public Hearing Draft) for a list of all proposed accessory living unit standards.

The table below provides a comparison of the current and proposed standards.
### Accessory Living Units – Existing vs. Proposed zMOD Standards

#### Current Accessory Dwelling Unit Regulations

<table>
<thead>
<tr>
<th>Age/Disability</th>
<th>Size</th>
<th>Approval Process</th>
<th>Location of Unit</th>
<th>Owner-Occupied</th>
<th>Max # of People</th>
<th>Parking</th>
<th>Renewal</th>
<th>Entrances</th>
</tr>
</thead>
<tbody>
<tr>
<td>55+ / person with a disability</td>
<td>35% of principal structure</td>
<td>Special permit with public hearing</td>
<td>Interior; or Detached with 2+ acres</td>
<td>Yes – either principal or accessory unit must be owner-occupied</td>
<td>Two</td>
<td>Determined by BZA</td>
<td>Every five years with Zoning Administrator approval</td>
<td>Must be located on side or rear unless BZA approves alternative location</td>
</tr>
</tbody>
</table>

#### Public Hearing Draft Accessory Living Unit Regulations

<table>
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</tr>
</thead>
<tbody>
<tr>
<td>No change</td>
<td>Interior: 800 SF or 40% of the principal structure, whichever is less&lt;sup&gt;1&lt;/sup&gt; Detached: 1,200 SF&lt;sup&gt;2&lt;/sup&gt;</td>
<td>Interior: Administrative Permit&lt;sup&gt;3&lt;/sup&gt; Detached: No change</td>
<td>No change</td>
<td>No change</td>
<td>No change</td>
<td>Interior: Must provide one additional off-street parking space above minimum required parking&lt;sup&gt;4&lt;/sup&gt; Detached: No change</td>
<td>Initial renewal: two years; subsequent renewals up to every five years based on record of compliance</td>
<td>Location on side or rear applies to new entrances&lt;sup&gt;6&lt;/sup&gt; Interior: any proposed garage/carport must be located immediately adjacent to any existing garage/carport and use the same driveway</td>
</tr>
</tbody>
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1. Advertised range from 500 – 1,200 SF or 40% of the principal structure, whichever is less. An option is included to allow the Board to consider allowing an interior ALU to exceed this size if the ALU is in the basement or cellar.
2. Advertised range from 700 – 1,500 SF
3. An option has been included to allow the Board to consider retaining the current special permit requirement.
4. For example, a single-family detached dwelling on a public street is required to provide two off-street parking spaces. This standard would require there to be a total of three off-street parking spaces in order to have an ALU administrative permit. If three spaces could not be accommodated, a special permit could be requested.
5. Modification of the entrance and access standards may be approved by special permit.