December 2, 2025

ACCESSORY LIVING UNITS
BACKGROUND INFORMATION and PRELIMINARY CONCEPTS

The Zoning Ordinance Work Program approved by the Board of Supervisors (Board) for fiscal years 2026-2027 includes accessory living units (ALUs) as a first tier topic to consider changes and clarifications to the use-specific standards. This topic was carried forward from the Work Program for FY 2025-2026, and is based on status reports issued on January 25, 2023, and April 12, 2024.

CURRENT REGULATIONS

An ALU 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, cooking, sleeping, living, and sanitation. Interior ALUs are allowed with approval of an administrative permit (or a special permit to modify certain standards), and detached ALUs are allowed on lots containing at least two acres with special permit approval. Among other regulations included in subsection 4102.7.B of the Zoning Ordinance, all ALUs are limited to a maximum of two bedrooms and two people, and either the ALU or the principal dwelling unit must be owner-occupied.

An interior ALU is a defined area within the principal dwelling, which may be located in the basement or another part of an existing dwelling or a proposed addition. Administrative approval of an interior ALU requires compliance with a number of standards, including but not limited to:

- The ALU must be wholly contained within the structure of a dwelling with direct access through a finished, temperature controlled, and fully enclosed interior space;
- Any new external entrance proposed must be on the side or rear of the dwelling, and any proposed garage or carport must be located directly adjacent to any existing garage or carport and use the same associated driveway and curb cut that serves the principal dwelling;
- The size is limited to a maximum of 800 square feet or 40 percent of the principal dwelling (whichever is less), or the entirety of a basement or cellar existing as of May 10, 2023; and
- One additional on-site parking space beyond what is required for the principal dwelling unit must be provided.

For detached ALUs, the size is limited to 1,200 square feet of gross floor area and must be subordinate to the principal dwelling. The Board of Zoning Appeals (BZA) has the ability to

Department of Planning and Development
Zoning Administration Division
12055 Government Center Parkway, Suite 801
Fairfax, Virginia 22035-5507
Phone 703-324-1314
Fax 703-803-6372

impose other development conditions as part of their review of the special permit, including those related to off-street parking.

APPLICATION NUMBERS

Between July 1, 2021, and October 31, 2025, a total of 366 administrative permits (AP) and 41 special permit (SP) applications were submitted, representing over 100 total applications per year. Tables 1 and 2 below provide the application numbers by status and magisterial district for APs and SPs. As indicated in the tables, a total of 158 ALUs are currently approved, with an additional 69 having been approved, but did not renew after the initial two-year approval period. This represents a small fraction (0.08%) of the number of single-family detached dwellings in the County, which may indicate an opportunity to review zoning regulations to expand opportunities for ALUs.

Table 1: Administrative Permit Submissions

ALU APs Submitted by Magisterial District from 7/1/2021 - 10/31/2025							
District	**Approved[1]**	**Denied**	**Expired[2]**	**In Review[3]**	**Voided or Withdrawn[4]**	**Waiting for Info[5]**	**Total Submitted**
Braddock	12	1	8	1	6	9	37
Dranesville	32	1	12	1	9	15	70
Franconia	13	3	12	0	3	11	42
Hunter Mill	12	1	7	0	3	6	29
Mason	16	1	6	1	7	20	51
Mount Vernon	9	1	5	0	6	8	29
Providence	11	2	10	0	4	6	33
Springfield	15	2	7	1	12	10	47
Sully	14	0	2	2	2	8	28
Total	**134**	**12**	**69**	**6**	**52**	**93**	**366**

[1] This includes currently approved ALUs; it does not include applications that were previously approved but have now expired.
[2] Previously approved ALUs that did not renew following the two-year initial approval period.
[3] ALU applications in the active review status.
[4] Applications may be voided or withdrawn if the proposal does not meet the requirements for an AP or other reasons.
[5] The waiting for information status includes the time when an applicant is responding to requests for information from staff as well as the time needed to obtain any required building permits, completing construction, and obtaining final inspections.

Table 2: Special Permit Submissions

ALU SPs Submitted by Magisterial District from 7/1/2021 - 10/31/2025						
District	**Approved**	**Denied**	**In Review**	**Application Acceptance[6]**	**Returned or Withdrawn**	**Total Submitted**
Braddock	1	0	0	0	1	2
Dranesville	6	1	1	0	1	9
Franconia	1	0	0	2	0	3
Hunter Mill	0	0	0	0	1	1
Mason	1	0	0	1	1	3
Mount Vernon	0	0	0	0	0	0
Providence	5	0	0	0	1	6
Springfield	9	0	0	3	1	13
Sully	1	0	0	2	1	4
Total	**24**	**1**	**1**	**8**	**7**	**41**

Table 3 provides the processing times for the currently approved ALUs. A majority of applications are approved within two weeks, but given the complexity of the reviews, which often entail multiple exchanges of information between the applicant and staff and the submission of revised application materials, approximately 40 percent of the approvals required more than two weeks. Timeframes beyond two weeks include situations where staff did not adjust the record status to Waiting for Information while an applicant obtained final building permits or provided the fire alarm system certification required by the Building Code.

Table 3: Administrative Permit Processing Time

AP Approvals Processing Time	
Number of Days[7]	Total # of Approvals
0 - 14	81
15 - 30	17
31 – 60	13
61+	23

[6] Application submitted, but not yet accepted.
[7] Adjusted number of calendar days from submittal to issuance of permit, not including the time in waiting for information.

JURISDICTIONAL RESEARCH

The ALU regulations for nearby jurisdictions are summarized in Attachment 1. Although the standards vary, localities appear to be striving to simplify ALU regulations. All of the jurisdictions reviewed use an administrative process for approval of ALUs, including for detached units (except Fairfax City, which does not currently allow detached ALUs), and do not have a minimum lot size requirement. Most of the jurisdictions allow an ALU only with a single-family detached dwelling, but several allow ALUs with duplex or townhouse dwellings as well. Most of the jurisdictions allow an ALU to be occupied by more than two persons and do not require recordation or renewal of ALU approvals. Parking requirements vary from zero to two spaces. Although the attached table focuses on nearby jurisdictions, ALUs are a nationwide topic and are allowed in most localities. Staff has also reviewed the regulations for ALUs in certain other areas of the country, many of which appear to take similar approaches.

CHALLENGES WITH CURRENT REGULATIONS

Based on the experience of applying the current regulations, certain implementation challenges have been identified by applicants and staff. These challenges were identified in the two previous ALU Status Reports and are further discussed below:

Determining whether an arrangement constitutes an ALU often requires the applicant to request an interpretation, which results in delays in obtaining approval of proposed renovations of a dwelling. When building permit applications are submitted showing all of the components of a secondary dwelling unit (living, sleeping, eating, cooking, and sanitation), and the applicant is advised that an ALU permit is required, some applicants want to modify the proposal to avoid having to obtain an ALU permit, even an administrative one. Various reasons have been expressed for wanting to avoid pursuing an ALU permit, including the limitations on size and renewal requirements. Applicants have also expressed reluctance to obtain an ALU permit if the proposed renovation is for the convenience of a family member like a parent or adult child.

To not be defined as an ALU, the area under consideration cannot contain all of the components of a secondary dwelling unit. Sometimes an applicant will propose to replace the kitchen with a wet bar by removing the cooking appliances. Since the area can still be used for food preparation (such as through countertop appliances that do not require a building permit), staff is then required to determine whether to allow these facilities without ALU approval, even though all of the other components exist. Alternatively, an applicant will sometimes indicate that the renovation is for entertainment purposes and will not be used as part of an ALU, which can then be documented with submission of a Second Kitchen or Wet Bar Certification Form. This form is signed by the applicant and submitted as part of a building permit application certifying that they understand that the area including the second kitchen or wet bar is to be used solely by their household and will not be used in any manner that constitutes an ALU.

Standards distinguishing interior versus detached ALUs could be clarified or revised**.** Some applicants would prefer to have a detached or semi-detached ALU, but they either want to avoid the required special permit process or do not meet the minimum lot size of two acres for a detached ALU. The Ordinance requires interior/attached ALUs to be wholly contained within the single-family dwelling and have direct access to the principal dwelling through an interior space that is finished, temperature controlled, and fully enclosed. The general standards for accessory uses also state that an accessory structure that is designed as a cohesive part of the principal building is considered part of the building and must comply with the principal building setbacks. Together, these provisions have informed staff interpretations regarding whether a proposed ALU qualifies as an interior ALU. However, a wide variety of proposed floorplans have been submitted, with ALUs connected to the principal dwelling through areas such as an open breezeway, a skywalk, a garage, or a closet. One of the goals of the ALU provisions is to allow for flexibility in the arrangement and use of a secondary dwelling unit, while maintaining the external appearance of one single-family detached dwelling. Subsection 4102.7.B(3) furthers this goal by requiring any new external entrances to be on the side or rear of the dwelling and any proposed garage or carport to be adjacent to any existing garage or carport. Additional clarification and revisions to the types of arrangements and the minimum lot size that would be eligible to apply for an administrative or special permit would facilitate the submission and review of applications.

Comments have been received on other topics as well, such as the 1,200-square foot size limit for detached ALUs, which are identified below under the preliminary concepts.

PRELIMINARY CONCEPTS FOR CONSIDERATION

Several goals for updating the ALU regulations have been identified:

- **Align the amendment with the Housing Initiatives Board Matter of September 9, 2025:** As discussed in this Board Matter (Attachment 2), the Board has identified the provision of attainable housing as a major priority for the County. ALUs are one of the many tools that can help create additional housing options for renters, as well as provide supplemental rental income to owners of the principal dwelling.
- **Clarify and update the regulations to reduce the number of interpretations required:** Further clarifying the regulations will support consistency and predictability in their application. Clarifications and revisions may also reduce the need for ALU-related interpretations, which add time to the process of legally establishing an ALU in a dwelling. Proposed revisions to the standards will be informed by the last four years of interpreting and applying the ALU regulations, current trends, best practices from other jurisdictions, and feedback received during community engagement.

- **Streamline the process and remove impediments:** Staff will review the current processes and standards and provide recommendations on ways to streamline the process and remove unnecessary impediments to establishing ALUs.
- **Revise standards for detached and semi-detached ALUs:** In addition to clarifying when an ALU is interior versus semi-detached or detached, staff will also review the standards applicable to each ALU type.
- **Codify current interpretation approaches and the second kitchen/wet bar process:** Since the ALU regulations were adopted in 2021, interpretations have been issued that help inform how staff applies the ALU regulations. For those approaches that are identified to be carried forward, staff proposes to codify them in the Zoning Ordinance. In addition, the current second kitchen/wet bar process is not located in the Ordinance and if retained, should be codified for transparency and awareness.

Related to these goals, preliminary concepts are listed below and in the accompanying PowerPoint presentation (see slides 10 – 16). It is anticipated that concepts will be presented for discussion as part of upcoming community outreach meetings.

- Consider options for approval process:
    - Either retain and streamline the current AP process; or
    - Remove the requirement for a separate ALU permit and incorporate the zoning review as part of the building permit process or with a certification.
- Review requirements and consider removing unnecessary impediments, such as:
    - Allow use of the entire basement, regardless of when constructed.
    - Revise the initial approval from two years to five years or consider deleting the renewal requirement.
    - Delete the requirement to record the approval in the land records.
- Update and revise definitions and standards:
    - Clarify when ALU approval is needed with text revisions and graphics, and by codifying the second kitchen and wet bar certification process.
    - Add provisions for a semi-detached ALU and when it would be considered an interior ALU versus a detached ALU.
    - Consider revising the 1,200-square-foot maximum size for detached ALUs.
    - Consider reducing the minimum lot size for a detached ALU, and review the setbacks and other bulk regulations for detached ALUs. Discussion of this topic during community outreach would include the use of graphics to illustrate various scenarios based on differing lot sizes and bulk regulations.
    - Other topics for discussion based on jurisdictional research could include: allowing an interior ALU with a single-family attached dwelling (townhouse); allowing AP approval for certain detached ALUs; and reviewing the maximum occupancy, owner-occupancy, and additional parking requirements.

NEXT STEPS

A meeting with the Planning Commission's (PC) Land Use Process Review Committee is scheduled for December 4, 2025, at 8:30 p.m. Following this, staff will schedule community outreach meetings in early 2026 to discuss preliminary concepts. Draft text will then be developed for presentation to Board and PC committees in the spring/summer of 2026. Authorization and public hearings could take place by the end of 2026. Questions and comments can be directed to Carmen Bishop, at carmen.bishop@fairfaxcounty.gov, or Casey Judge, at casey.judge@fairfaxcounty.gov, or by calling 703-324-1314.

ATTACHMENTS

Attachment 1 – ALU Regulations Jurisdictional Research
Attachment 2 – Housing Initiatives Board Matter, September 9, 2025

ALU Regulations Jurisdictional Research – Nearby Localities

In the table, "NR" means no requirement.

Jurisdiction	Approval Process/ Unit Type	Renewal/ Recordation	Occupancy	Size (lot and unit)	Parking	Detached Setbacks
Fairfax County (current)	Administrative (interior) Special Permit (interior and detached) Allowed with single-family detached dwellings	Initial renewal 2 years, then 5 years Recordation required	2 persons in ALU Property must be owner-occupied	Interior: entire basement (as of 5/10/2023); or 800 SF or 40% of principal dwelling Detached: 1,200 SF 2-acre lot size	1 additional space	5' from side/rear (if height 8.5 – 12') setback equal to height from rear and out of side setback for district (20' for R-C – R-1) (if height 12+')
Alexandria	Administrative Interior and detached ALUs Allowed with single- and two-family dwellings and townhouses	NR	3 persons in ALU Property must be owner-occupied when permit issued	Interior: 1/3 size of principal Detached: first floor 1/3 of principal first floor or 350 - 500 SF, whichever is greater; Max height - principal dwelling or 20'; No minimum lot size	NR	1' to 5' from side/rear
Arlington	Administrative permit and certificate of occupancy Interior and detached ALUs Allowed with single-family detached dwellings ALU approval not required if meeting occupancy of the dwelling (sink affidavit instead)	Recordation required; no renewal, but affidavit with change in ownership	3 persons in ALU If the property is not owner-occupied, the entire property must be occupied by one family	Entire basement; or for interior or detached: 500 – 750 SF or 35% - 45% of combined GFA, depending on size of principal DU No minimum lot size	1 space if no existing parking	Interior lots: 5' from wall to side/rear Corner lots: 5' from wall to side lot line; 10' from eave to to rear lot line 25' from wall to street R-O-W
Fairfax City (Existing provisions; information on pending ZOA provided in link)	Administrative Interior only ALUs Allowed with single-family detached dwellings	NR, but certification to Zoning Administrator required with change in ownership	Combined occupancy of one family plus 3 unrelated persons Owner occupancy required	35% of principal dwelling	ALU occupants: max 2 vehicles	n/a

Jurisdiction	Approval Process/ Unit Type	Renewal/ Recordation	Occupancy	Size (lot and unit)	Parking	Detached Setbacks
Falls Church (adopted 4/14/2025)	By right with certificate of occupancy Interior and detached ALUs Allowed with single- and two-family dwellings	NR	4 persons in ALU Property must be owner-occupied when building permit and CO issued, except with new construction	Entire basement; or 700 - 1,000 SF, depending on size of dwelling No minimum lot size	NR	8' from side/rear and BZA can reduce to 5' with SP (if height <15') 10' from side/rear (if height 15+') Above one story: any windows that are not clerestory must have a 10' setback
Loudoun	By right Interior and detached ALUs Not limited by type of dwelling unit	NR	Occupancy per building code Owner-occupancy NR	1,200 – 2,500 SF or 50% - 70% of principal structure No min lot size for detached, but large lots can have more than one ALU	1/ALU	Front setback according to zoning district; 5' from side/rear if no windows or doors on the portion that encroaches
Montgomery (MD)	By right Interior and detached ALUs Allowed with single-family detached dwellings	NR	2 persons 18+ years old in ALU Owner-occupancy NR	Interior: entire basement or 1,200 SF Detached: 1,200 SF, or 10% of lot area, or 50% of footprint of principal dwelling, whichever is least; No minimum lot size	1 to 2 additional spaces, except within 1 mile of Metro or MARC station	Side setback same as principal dwelling; 12' rear setback; larger setbacks required for ALUs that are longer than 24'