

Accessory Living Units

Land Use Policy Committee
December 2, 2025

Casey Judge and Carmen Bishop
Zoning Administration Division

Zoning Ordinance Work Program

FY 2026/27

Priority 1 item to consider changes and clarifications

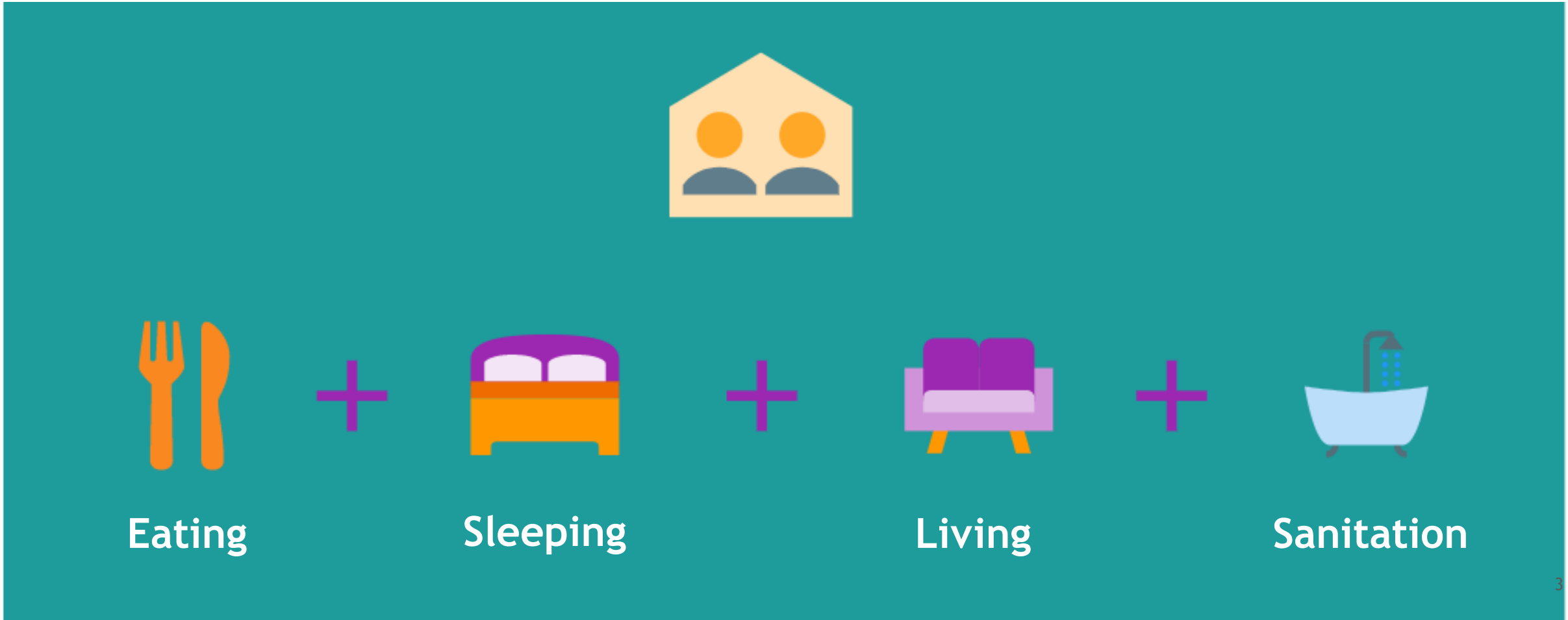
Carryover from FY 2025/26



Based on status reports issued on January 25, 2023, and April 12, 2024

What is an accessory living unit (ALU)?

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

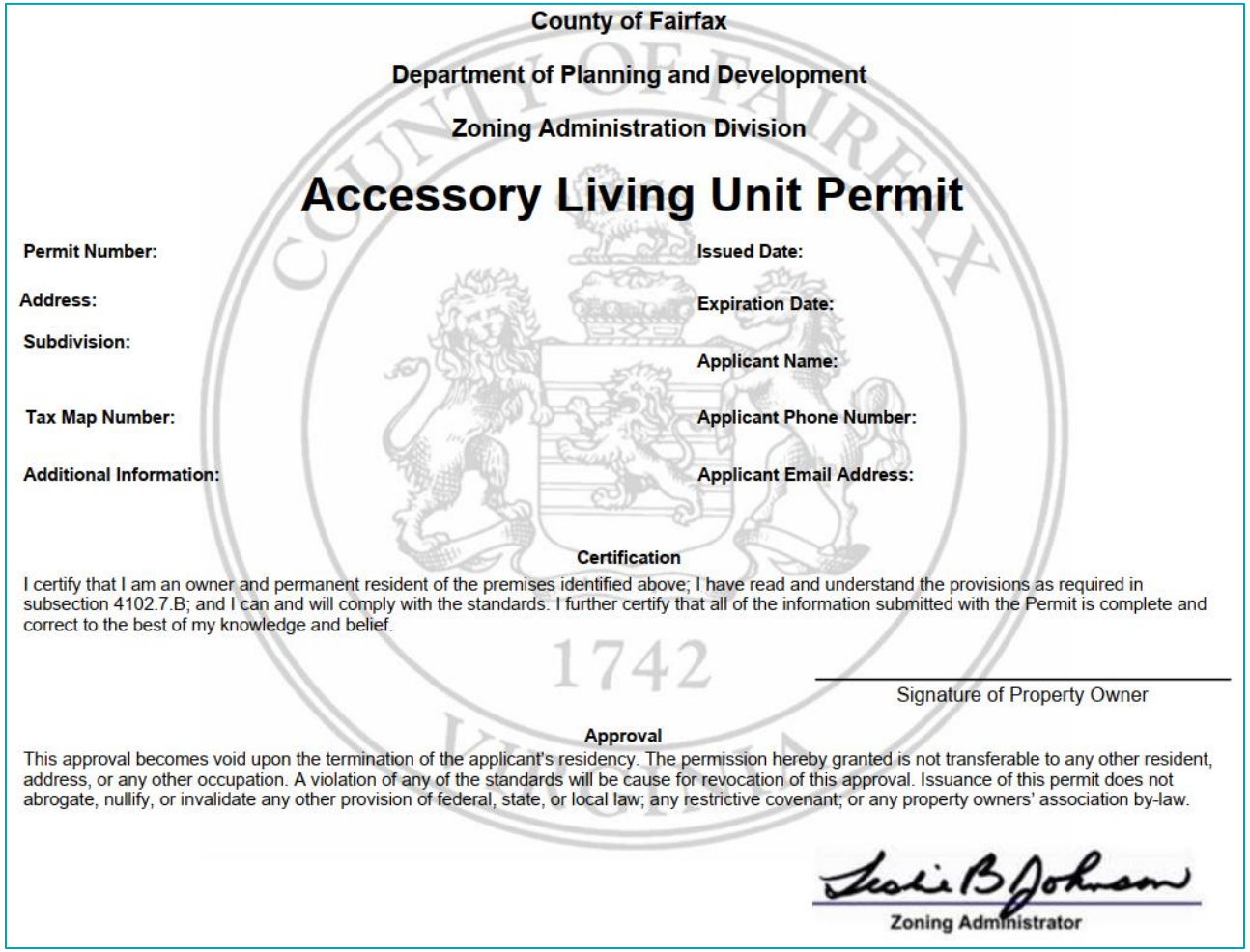


Current Zoning Ordinance standards

- Administrative permit (AP) for interior ALUs that meet all standards
- Special permit (SP) for detached ALUs on 2+ acres and to modify certain standards for interior ALUs
- Limited to two people, two bedrooms, with a maximum size of 800 SF or 40% (interior) or 1,200 SF (detached)
- Standards related to owner occupancy, external entrances, curb cuts, parking, etc.
- Permit must be renewed after initial two-year period and then every five years

ALUs since July 1, 2021

- Current standards adopted in 2021 as part of zMOD
- July 1, 2021 – October 31, 2025
  - 203 approved by AP
    - Includes 134 active APs and 69 APs that have expired
  - 24 approved by SP
    - 13 interior
    - 11 detached



County of Fairfax

Department of Planning and Development

Zoning Administration Division

Accessory Living Unit Permit

Permit Number:

Issued Date:

Address:

Expiration Date:

Subdivision:

Applicant Name:

Tax Map Number:

Applicant Phone Number:

Additional Information:

Applicant Email Address:

Certification

I certify that I am an owner and permanent resident of the premises identified above; I have read and understand the provisions as required in subsection 4102.7.B; and I can and will comply with the standards. I further certify that all of the information submitted with the Permit is complete and correct to the best of my knowledge and belief.

Signature of Property Owner

Approval

This approval becomes void upon the termination of the applicant's residency. The permission hereby granted is not transferable to any other resident, address, or any other occupation. A violation of any of the standards will be cause for revocation of this approval. Issuance of this permit does not abrogate, nullify, or invalidate any other provision of federal, state, or local law; any restrictive covenant; or any property owners' association by-law.

Leslie B Johnson

Zoning Administrator

Nearby jurisdictions

	Administrative Approval		No min lot size (Detached)	Occupancy >2 persons	No renewal required	Allowed in duplex/town house
	Interior	Detached				
Fairfax Co.	✓	X	X	X	X	X
Alexandria	✓	✓	✓	✓	✓	✓
Arlington	✓	✓	✓	✓	✓	X
Fairfax City	✓	Under review	Under review	✓	✓	X
Falls Church	✓	✓	✓	✓	✓	✓
Loudoun	✓	✓	✓	✓	✓	✓
Montgomery Co. MD	✓	✓	✓	X (18+ yrs old)	✓	X

Challenges with current regulations

- Determining whether an arrangement constitutes an ALU has been difficult and often requires an interpretation
  - Many permits are submitted for a second kitchen/wet bar as part of an entertainment space, but the applicant does not intend to create an ALU
- Some applicants prefer a detached or semi-detached ALU, but either want to avoid the SP process or do not meet the minimum two-acre lot size
- Certain provisions seem overly-restrictive and should be revisited

Concepts for Consideration

Goals of proposed amendment

- Align with the Housing Initiatives Board Matter of September 9, 2025
  - Increase housing supply
  - Provide options for older adults, young professionals, and caretakers
  - Support homeowners with rental income
- Clarify and update the regulations to reduce the number of interpretations required
- Streamline the process and remove impediments



Consider revised options for administrative approval

Keep Administrative Permit	No Administrative Permit
ALU administrative permit required	No ALU permit required
Can be processed concurrently with any needed building permits	New certification form (similar to current Second Kitchen Certification) – processed with building permit or if requested by owner for existing ALU arrangement
Staff reviews for compliance with ALU standards	Staff reviews for compliance with ALU standards as part of building permit review or with certification form
Renewal: initial after 2 years; subsequent 5 years *(propose to revise or remove)*	No renewal
Current fee: $270 and $95 renewal *(no renewal fee if no requirement)*	Reduced or no separate fee
Enables easier tracking of ALUs	May reduce processing time and perceived regulatory barrier

***SP would still be available to modify certain standards**

Consider removing impediments



Allow use of entire basement as an ALU without date limitation (remove May 10, 2023)



Remove renewal requirement for AP and SP

- Alternatively, revise all renewals (including the initial) to be every 5 years



Remove requirement to record the approval in the land records

Consider revised definitions and standards

- Clarify what is considered an ALU
  - Additional standards and graphics to reduce need for case-by-case determinations
  - Codify process for a wet bar or second kitchen that is not part of an ALU

Interior ALU Arrangements



NEW: Semi-detached definition

- Clarify when an ALU that is attached to the principal dwelling by a breezeway or hallway connection is interior or detached
  - Short enclosed connection: apply interior ALU standards
  - Long enclosed or open connection: apply detached ALU standards





Revise standards for detached ALUs

- Consider AP approval for certain detached ALUs, subject to standards
- Revise 1,200 SF maximum size:
  - Allow up to 50% of the size of the principal dwelling; or
  - Keep 1,200 SF but allow BZA to modify
  - Must continue to be subordinate



Revise standards for detached ALUs, cont'd

- Reduce minimum lot size for detached ALUs from two acres
- Create graphics portfolio for community outreach



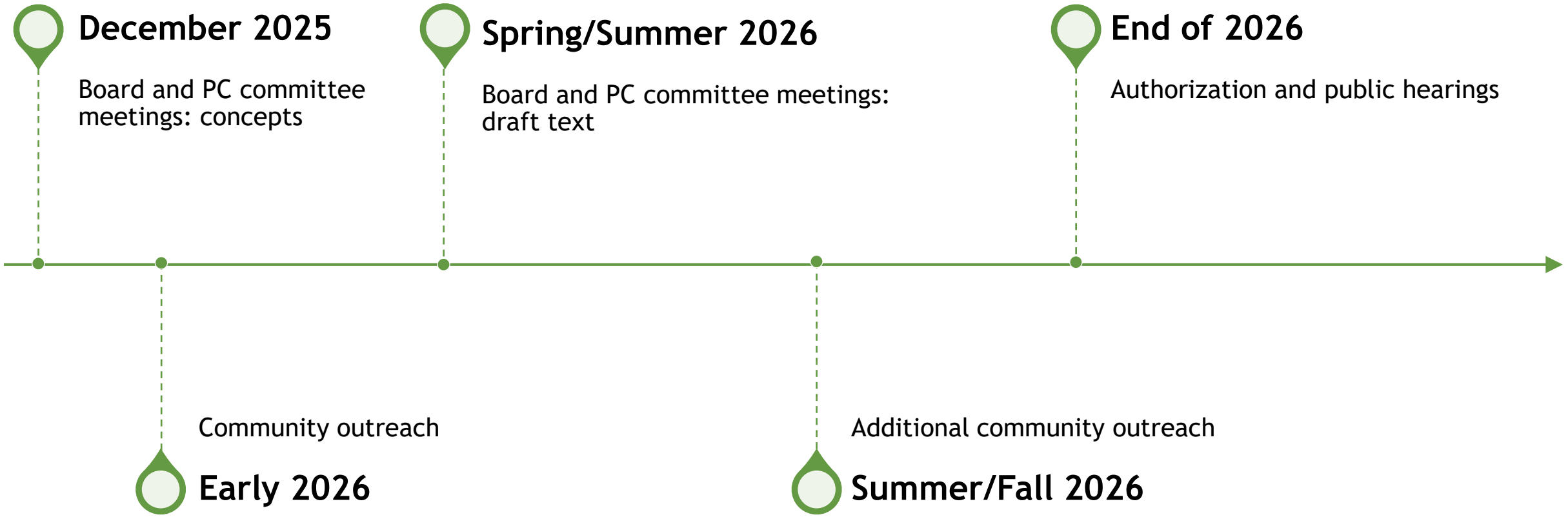


Additional considerations

- Interior ALU within single-family attached dwellings
- ALU occupancy
- Owner-occupancy requirement
- Additional parking requirement



Tentative project timeline



PLANNING & DEVELOPMENT

Contacts:
Casey Judge - casey.judge@fairfaxcounty.gov
Carmen Bishop - carmen.bishop@fairfaxcounty.gov