



Town Council September 23, 2024 Work Session on Accessory Living Units (ALUs)

Factors for an Ordinance – Council Comments/Guidance Highlighted in Yellow

Policy Question	Council Answer	Background
1. What will Vienna call these units? – Accessory Living Unit (ALU) or Accessory Dwelling Unit (ADU)? <i>Town Attorney recommends using the term “ALU” to distinguish the acronym from the State’s defined term for “ADUs”</i>	ADU or ALU	
2. Will the Town allow ALUs on lots zoned for only Single-Family homes? On all RS-zoned properties, detached (10,12.5,16)?	Y or N	Only single-family detached.
- If only on SF, would there be a minimum Lot size? What size?		Ok with all single-family zones and lots.
3. Will the Town prohibit ALUs on lots zoned for higher residential densities? (e.g., townhomes, duplexes, etc.)	Y or N	
4. Where on the lot should they be allowed?		
- Internal, as part of principal structure/house? (e.g., basement)	Y or N	
- Attached (as an addition) to the principal structure?	Y or N	
- Garage - converted attached garage?	Y or N	Provided parking requirements are met.
- Garage - converted detached (standalone) garage?	Y or N	
- Garage – second story above garage (attached)	Y or N	
- Garage – second story above garage (detached)	Y or N	
- Detached – new construction	Y or N	
- Detached – converted existing accessory structure	Y or N	
5. Should there be a maximum size?	Y or N	No guidance on 9/23. Discuss with draft ordinance.
- If Y, what should that size be?	#sf	No guidance on 9/23. Discuss with draft ordinance.

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<p>One-bedroom apartments are usually in the range of 550sf – 1,000sf. The average new-built one-bedroom apartments appear to be 750sf-800sf.</p> <p>Options include allowing:</p> <ul style="list-style-type: none"> - Maximum percentage according to size of primary residence (e.g., 35-40% of gross floor area), perhaps with max. sf. - Maximum by-right size (e.g., 65sf) and allow something a bit bigger with BZA approval (e.g., 800sf). - Maximum sizes in accordance with the size of the lot. (e.g., 650sf for 10,000sf - 12,499sf, 725sf for 12,500sf – 15,999sf, 800sf for 16,000sf and larger) - Other? <p><i>Town Attorney Comment for Consideration – Some older homes in Vienna may more easily lend themselves to ALUs, especially the basement. This may be ½ of the usable square footage of the home (ie. a Yeonas built rambler)</i></p>		<p>There is a wide range in jurisdictions, between 500 and 1,200 square feet (or more). Some establish a maximum percentage of the floor area of the principal structure, and some combine the two.</p> <p>FFx Co – interior ALU, no more than 40% of principal dwelling, with a maximum of 800 square feet, whichever is less. The size limitation may be exceeded with special permit approval. The entirety of the basement may be used</p> <p>FFx City – restricts to 35% of total gross floor area of principal dwelling.</p> <p>Falls Church – 650 sf on lots 10,000 sf or larger.</p> <p>Rockville, MD – no greater than 50% of floor area of primary dwelling, though the entire basement may be used.</p>
<p>6. How is the decision/approval made? By-right, by special approval (i.e., Board of Zoning Appeals approval), or mixed?</p>	<p>Staff approval (by right), BZA approval (special approval) or mixed?</p>	<p>Potentially some components per BZA approval.</p>
<p>7. Maximum height?</p>	<p>Y or N</p>	<p>35 feet remains in force</p>
<p>- If Y, one story? Two stories? Absolute number of height (e.g., 14-16 feet)?</p>	<p>N/A</p>	<p>No detached ALUs permitted</p>

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8. Limit on number of bedrooms?	Y or N	No guidance on 9/23. Discuss with draft ordinance.
- If Y, 1 or 2?	1 or 2	No guidance on 9/23. Discuss with draft ordinance.
<i>Town Attorney Comment – At some point the ALU would really just become more like a duplex and may not be what the TC is intending.</i>		Typical to have these limits, though TC may choose another option. TOV could say 1 by right and 2 if BZA approval.
9. Restriction of 1 ADU/ALU per lot?	Y or N	
10. Will extra parking be required?	Y or N	No guidance on 9/23. Discuss with draft ordinance.
- Staff suggests that one off-street space more than the normal requirement for the principal structure on the lot. Does TC wish for this requirement?	Y or N	No guidance on 9/23. Discuss with draft ordinance. Typical provision
11. Maximum number of occupants?	Y or N	No guidance on 9/23. Discuss with draft ordinance.
- If Y, 2 or 3?	2 or 3	Those are typical limits. TC may choose a different number?
12. Restrict to certain populations (e.g., seniors and/or disabled)?	Y or N	
- If Y for restricting, who will be permitted?		
13. Require that ALUs not be allowed for short-term rentals (e.g., under 30 days)?	Y or N	
<i>Town Attorney Comment – The current Zoning Ordinance does not permit short term rentals in SF zones.</i>		
14. Must the owner live on site (in either unit)?	Y or N	
15. Would all other zoning requirements remain in force? (lot coverage, setbacks, etc.)	Y or N	

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<p>16. Should TOV require Fairfax County building code approval before TOV approves? <i>Town Attorney Comment – The Town Attorney would recommend this condition and perhaps the requirement for an application and inspection provision. This is a health and safety concern that sleeping areas meet the Uniform State Building Code requirements and the ALU satisfies ingress/egress standards.</i></p>	<p>Y or N</p>	