



Town Council September 23, 2024 Work Session on Accessory Dwelling/Living Units

Decision Tool – Factors for an Ordinance

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	Most places call them ADUs. FFX Co calls them ALUs because FFX Co has a different term from ADUs – Affordable Dwelling Unit. The State also has the Term Affordable Dwelling Unit.
2. Will the Town allow ADUs/ALUs on lots zoned for only Single-Family homes? On all RS-zoned properties? - If only on SF, would there be a minimum Lot size? What size?	Y or N	
3. Will the Town prohibit ADUs/ALUs on lots zoned for higher residential densities? (e.g., townhomes, duplexes, etc.)	Y or N	Most jurisdictions, including FFX Co, restrict the units to SF detached lots because of the challenge of parking, construction restrictions in condominium communities, and general space availability.
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	
- Garage - converted detached (standalone) garage?	Y or N	
- Garage – second story above garage	Y or N	
- Detached – new construction	Y or N	FFX Co permits detached ALUs only on lots of 2 acres or greater, and only with Special Use permit from BZA.
- Detached – converted existing accessory structure	Y or N	FFX Co permits detached ALUs only on lots of 2 acres or greater, and only with Special Use permit from BZA.

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<p>5. Should there be a maximum size?</p>	<p>Y or N</p>	
<p>- If Y, what should that size be?</p> <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>#sf</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. 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><i>Staff approval (by right), BZA approval (special approval) or mixed?</i></p>	<p>Many jurisdictions permit interior/attached ADUs “by right” - staff may approve if all requirements are met. Others require all ADUs sort to have special approval. Still others are mixed - staff approval of “by right” applications if requirements are met, but special approval if more is requested (e.g., for detached, larger size, reduce parking requirement, etc.)</p>

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7. Maximum height?	Y or N	Only applicable if 1) TOV allows detached units, or 2) TOV allows units above garages (attached/detached) and wishes to limit the height.
- If Y, one story? Two stories? Absolute number of height (e.g., 14-16 feet)?	#sf	
8. Limit on number of bedrooms?	Y or N	
- If Y, 1 or 2? <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>	1 or 2	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	Most (but not all) jurisdictions include this provision.
10. Will extra parking be required?	Y or N	
- 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	Typical provision
11. Maximum number of occupants?	Y or N	
- 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	Staff is concerned about the enforceability of this provision. A former code enforcement with City of Fairfax, which has this restriction, said that it is possible to restrict at application for the CO, but impossible to monitor afterwards.
- If Y for restricting, who will be permitted?		

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<p>13. Require that ADUs not be allowed for short-term rentals (e.g., under 30 days)? <i>Town Attorney Comment – The current Zoning Ordinance does not permit short term rentals in SF zones.</i></p>	<p>Y or N</p>	<p>Many jurisdictions include this provision. It prohibits most cases of the unit being used for AirBnB, VRBO and other similar services.</p>
<p>14. Must the owner live on site (in either unit)?</p>	<p>Y or N</p>	<p>Many jurisdictions require the owner to live in the primary residence or the ADU.</p>
<p>15. Would all other zoning requirements remain in force? (lot coverage, setbacks, etc.)</p>	<p>Y or N</p>	<p>Some jurisdictions are trying to encourage such units and allow flexibility for certain zoning provisions for those who provide ADUs. Most, however, maintain all other zoning provisions.</p>
<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>	<p>Staff recommends that any separate residential unit require building code approval.</p>