



# Accessory Dwelling Units

Department of Community Development  
Planning Commission Work Session  
April 12, 2021

# The affordable housing challenge – the drive to provide

**Figure 2: Forecast of Employment, Households, and Calculated Housing Need**

	2020	2030	2045
Forecast Employment	3,361,000	3,774,000	4,274,000
Forecast Households	2,133,000	2,375,000	2,660,000
Households Needed for Jobs	2,182,000	2,450,000	2,775,000
Housing Shortfall (Approx.)	~49,000	~76,000	~115,000

Source: COG Round 9.1 Cooperative Forecasts

## MAXIMUM RENTS (excluding utilities)

Affordability Level	A	B	C	D	E	F
	60% AMI	70% AMI	80% AMI	90% AMI	100% AMI	120% AMI
Studio	\$1,103	\$1,286	\$1,470	\$1,654	\$1,838	\$2,205
1 Bedroom	\$1,339	\$1,562	\$1,785	\$2,008	\$2,231	\$2,678
2 Bedroom	\$1,575	\$1,838	\$2,100	\$2,363	\$2,625	\$3,150

## MAXIMUM HOUSEHOLD INCOME LIMITS

Affordability Level	A	B	C	D	E	F
	60% AMI	70% AMI	80% AMI	90% AMI	100% AMI	120% AMI
1 person	\$52,900	\$61,750	\$70,600	\$79,400	\$88,200	\$105,850
2 persons	\$60,500	\$70,600	\$80,650	\$90,750	\$100,800	\$121,000
3 persons	\$68,050	\$79,400	\$90,750	\$102,100	\$113,400	\$136,100
4 persons	\$75,600	\$88,200	\$100,800	\$113,400	\$126,000	\$151,200

**Note:** Income Limits and Maximum Rents charts effective July 31, 2020.  
Rents and income limit information are reviewed and updated annually.

Information from the Fairfax County Department of Housing and Community Development

<b>Dwelling Units Within the Town</b>	<b>Number</b>	<b>Percentage of Total Dwelling Units</b>	<b>Average Sales Price in 2020*</b>	<b>Median Price in 2020*</b>
<b>Single Family Detached</b>	3,037	38%	\$651,090	\$592,500
<b>Single Family Attached</b>	2,440	30%	\$435,359	\$420,000
<b>Multifamily (Rental &amp; Condo)</b>	2,575	32%	\$259,218	\$229,990
<b>TOTAL</b>	8,052	100%	---	---

\*Sales price data from Mary Williams, Realtor, Samson Properties

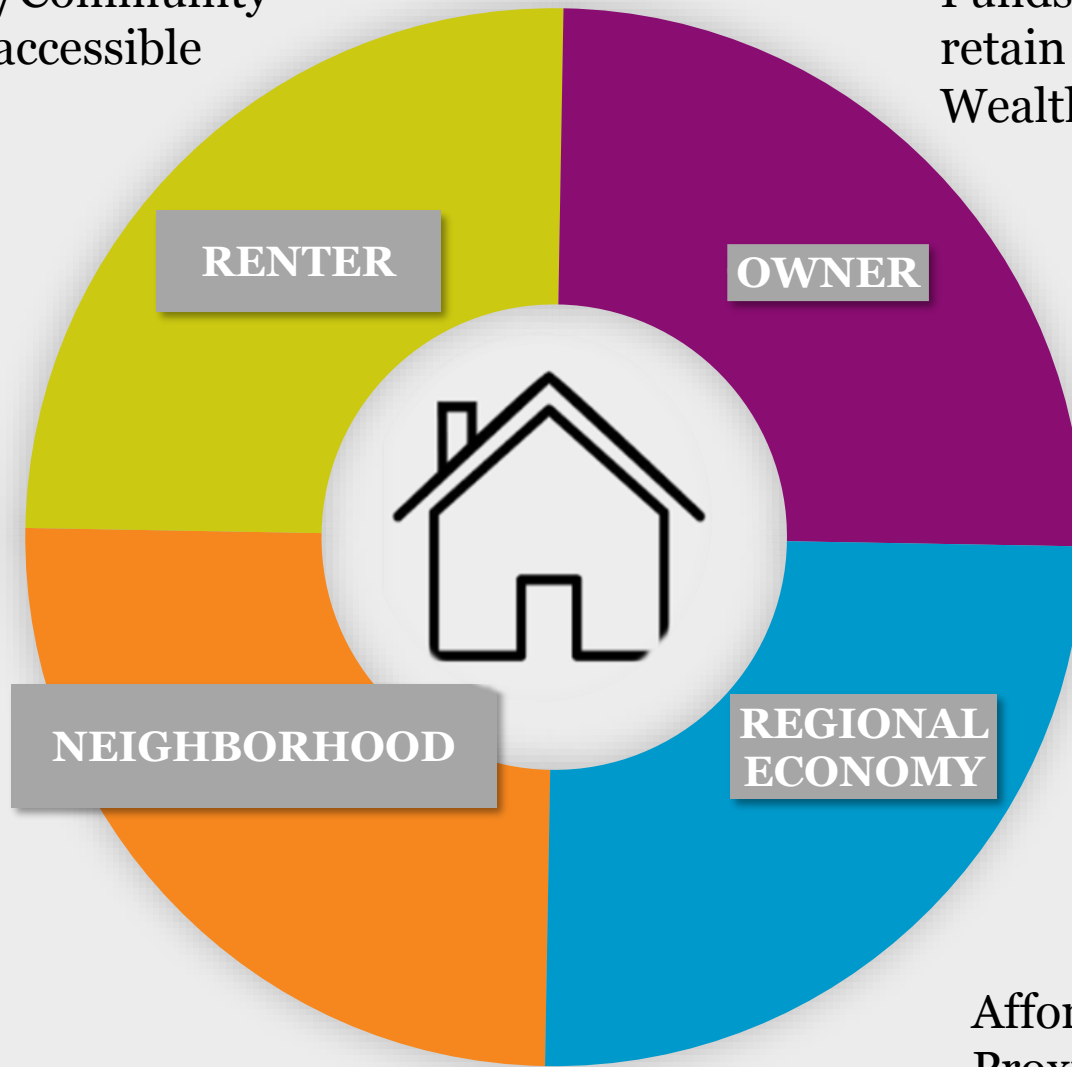
# The ADU

## What is an accessory dwelling unit

- An attached, internal or detached residential dwelling unit that provides **complete independent living facilities** for one or more persons and is located on a lot with a proposed or existing primary residence.
- As an “accessory” use it is secondary to the principal dwelling on the site and is owned by the property owner of the principal dwelling.
- Shared households or room rentals are not accessory dwelling units.

Smaller units = less rent  
Neighborhood/Community  
not otherwise accessible

Family or unrelated  
Funds to maintain or  
retain home  
Wealth-building



Stability  
Upkeep  
Sense of Community

Affordable housing  
Proximity to jobs  
Stability



# Detached ADUs in Herndon



VIEW FROM SIDE YARD  
PROPOSED



# Herndon's current regulations

# Excessive Occupancy and the Accessory D.U.

- Differentiation between violation types
  - “Overcrowding”
    - Definition of family – no more than 4 people unless all are related
    - Excessive Occupancy – square feet per person 18 years of age and older
    - Almost all violations fall under definition of family
  - Illegal dwelling unit – land use violation
    - Established without permits or special exception

	FY 2017	FY 2018	FY 2019	FY 2020	1 <sup>st</sup> Half FY 2021
“Overcrowding” complaints	48	57	36	40	20

## Herndon's 1983 Ordinance Amendment

- July 12, 1983, the Town Council adopted an amendment to the zoning ordinance allowing “accessory dwelling units.”
- Purpose “enabling elderly and handicapped persons to rent to tenants, thereby acquiring income, companionship, security and services, making it possible to remain in their homes and neighborhoods when they might otherwise not be able to for financial or health reasons.”

## Herndon's 1983 Ordinance Amendment

- Described as providing smaller less expensive residential units for rental to the elderly or those with disabilities, *while protecting the character and integrity of residential neighborhoods.*
- **Required a Use Permit** (Conditional Use/Special Exception)
- Only minor changes to date and still requires a Special Exception

## Accessory Dwellings in the Town Zoning Ordinance

- Ordinance definition:
  - *Dwelling, accessory.* A dwelling unit established within the same structure or in an accessory structure and clearly subordinate to an existing single-family dwelling unit.
  
- Accessory dwelling units per Sec. 78-80.4
  - Only allowed with a special exception
  - 13 standards must be considered
  - Specific standards that must be met

# General Standards for Special Exceptions

15

## Sec 78-155.3(e) **Must be Considered**

Condensed

- Comprehensive Plan
- Zoning & other applicable laws
- Health & safety
- Purpose/intent of the zoning district
- Adverse visual impact
- Logical/orderly development pattern
- Minimizes adverse impacts (nuisance)

- Property value of surrounding properties
- Natural environment
- Transportation
- All forms of public facilities/utilities
- Redevelopment guidelines in Comprehensive Plan
- If in floodplain, additional standards

# All Accessory Dwelling Units **Must Meet** the Following Specific Standards (condensed)

- Special exception required
- Compliance with building and zoning standards
- No use of mobile homes/recreational vehicles
- One unit per lot
- Size limitation
- Entrance location
- Limit on bedrooms and occupancy

- Occupancy standards
  - Age 62 or +
  - Physical, mental, or cognitive disability
  - Confirmation of same
- Parking
- Not sold separately
- Compliance with health, safety and building code
- Zoning permit and time limits
- Conflicting provisions



# Changes in accessory dwelling unit legislation and attitudes

# Trends

Nationwide  
Movement  
Towards  
Loosening  
Controls on  
Accessory  
Dwelling Units

- Local efforts
  - Arlington – Adopted [2009, 2017, 2019]
  - Alexandria – Adopted [January 2021]
  - Fairfax – Part of zMOD [Zoning Ordinance Modernization Project 2017–March 23, 2021]

	<b>TOH</b>	<b>Arlington</b>	<b>Alexandria</b>	<b>Fairfax Co.</b>
Adoption	1983	5/2019 update of 2017 update	Adopted 1/23/2021	Adopted 3/23/2021
Approval Process	PC/TC	Staff	Staff/ BZA	Staff interior
Attached Detached	Both	Both	Both	Both
Occupant Attributes	Yes	No	No	No
Short-term		Yes	No	?
Parking	+ 1	Add'l parking req. dependent upon factors	No additional	+ 1
Recordation	Maybe	Yes + Affidavit	No	Yes
Size, Design Limitations	Yes	Yes	Yes	Yes
# Residents	Yes	Yes	Yes	Yes
Owner Occupied Planning Commission	3/8/2021	Yes	At time of establishment	Yes

# Alexandria's Process per the Staff Report Dated 1/23/2021

- Staff commenced the ADU study in 1/2020.
- Research and outreach support were provided by The Urban Institute, a nonprofit research organization focused on economic and social policy and practice to strengthen communities nationally.
- Findings are based on a review of local and national ADU models and experiences, public feedback received during the study period as well staff analysis and recommendations made by the Urban Institute.
- Intention, to allow for a low-impact, secondary dwelling unit to be located on a lot developed with a single-family, two-family or townhouse dwelling.
- **Permitting an incremental increase in housing supply while maintaining the established character of the City's neighborhoods.**

	ADU permits issued	time period	ADUs as total share of housing stock
Arlington Co., VA	45	2009-2020	0.04%
Washington, DC	75	2016-2020	0.02%
Montgomery Co., MD	133	2013-2020	0.12%
Portland, OR	4,047	1995-2019	1.43%
Seattle, WA	2,597	1996-2020	0.75%

Data from Alexandria Staff Report ZTA #2020-00007, Accessory Dwelling Units, Dated 1/23/2021

# Impediments

- Costs and complexity
  - Design
  - Permitting
  - Construction
- Reticent homeowners
  - Becoming a landlord
  - Privacy
  - Vetting
- HOA restrictions and property covenants

# Steps forward

## Considerations

- Is expansion of accessory dwelling units right for Herndon?
  - Are changes warranted?
  - Additional study to determine answers to questions related to:
    - Community impact
    - New and old construction
    - Single family detached
    - Single family attached
    - Long-term vs. short-term
    - Size matters
    - Trial period
    - And more....
- Recommendation to Town Council for study



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