

2019 STATUS UPDATE

FOR THE ADOPTED PRIORITY 2 ZONING ORDINANCE AMENDMENT WORK PROGRAM

The Following Abbreviations are used in this document:

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| ARB - Architectural Review Board | EIP - Environmental Improvement Program |
| BOS - Board of Supervisors | EAC - Fairfax County Economic Advisory Commission |
| BZA -Board of Zoning Appeals | HCAB - Fairfax County Health Care Advisory Board |
| BPR - Business Process Redesign | PC - Planning Commission |
| DPWES - Department of Public Works and Environmental Services | |

* Items to be reviewed as part of the zMOD process

TOPIC	SOURCE	zMOD*
<u>ACCESSORY USES, ACCESSORY SERVICE USES AND HOME OCCUPATIONS</u>		
1. Comprehensive review of accessory uses and structures, to include consideration of issues such as:	BOS/PC/BZA/ Staff/Industry	
A. The establishment of a maximum height limitation.	BOS/PC/BZA/ Staff/Industry	✓
B. Revisions to the location regulations for uses/structures accessory to residential, commercial and industrial uses.	BOS/PC/BZA/ Staff/Industry	✓
C. Establishment of a side yard requirement for accessory structures in the PRC District.	BOS/PC/BZA/ Staff/Industry	
D. Consider revising the height of accessory structures and accessory storage structures that can be located anywhere in the rear or side yards to be the same.	BOS/PC/BZA/ Staff/Industry	✓
E. Modify the accessory structure location provisions to require a freestanding wind turbine structure to be setback a distance of its height from all property lines.	BOS	
F. Review the accessory use limitations to determine whether they adequately address the placement of commercial portable storage containers in commercial districts.	BOS	
G. Review the allowable placement of roll-off debris containers-dumpsters in residential districts during home improvement projects.	BOS	
H. Consider requiring the issuance of fence permits for either all fences or fences that are over a certain height.	Citizen	
I. Consider limiting fence height requirements to four feet when a front yard of a pipestem lot abuts a rear or side yard on a lot contiguous to a pipestem driveway.	Citizen	

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TOPIC	SOURCE	zMOD*
J. Consider establishing a minimum distance a fence can be located from a pipestem driveway.	Citizen	
K. Consider permitting electric fences on lots less than 2 acres as a deer management tool.	Citizen	
L. Consider allowing a Barbering/Beauty Salon as a “by-right” home occupation, rather than a Group 9 Special Permit and/or expand residential districts that permit such use.	Citizen	✓
2. Consider revisions to the accessory service use provisions to include:		
A. A clearer distinction between accessory service uses and accessory uses.	BZA/PC	✓
B. The appropriateness of whether office buildings in the retail commercial districts should be allowed to have a small deli as a by right accessory service use instead of requiring special exception approval.	BZA/PC	✓
3. Consider revising the home occupation provisions to allow a small amount of storage of stock in trade for a home business conducted via the internet or sales outside of the dwelling unit.	Citizen	✓
<u>ADMINISTRATION</u>		
4. Consider allowing the Board of Supervisors, Planning Commission and Board of Zoning Appeals to set the day or days to which any public hearing shall be continued due to inclement weather or other conditions without further advertisement or posting of the property.	Staff/General Assembly	
5. Consider revising the cluster provisions to delete the bonus density option.	General Assembly	
6. Consider allowing for administrative approval for an error in building height (similar to error in building location) for small modifications to building height for new construction.	Industry Representative	
<u>BOARDS, COMMISSIONS, COMMITTEES</u>		
7. Review Par. 7 of Sect. 19-101 to clarify that the Planning Commission has the authority to make recommendations on variance applications to the Board of Zoning Appeals.	Staff	
8. Consider changing the ARB review and recommendations for site plans, subdivision plats and grading plans to review and approval.	ARB	
<u>COMMERCIAL ZONING DISTRICTS</u>		
9. Consider allowing veterinary clinics in the C-3 and C-4 Districts with use limitations or as a special exception use	Staff	✓

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<u>DEFINITIONS AND USE LIMITATIONS</u>		
10. Review the following definitions:	Staff/BZA	✓
A. Contractors' offices and shops	Staff/BZA	✓
B. Junk yard	Staff/BZA	✓
C. Private schools	Staff/BZA	✓
D. Service Station and Service Station/Mini-Mart	Staff	✓
E. Storage yard	Staff/BZA	✓
F. Streets	Staff/BZA	✓
11. Add the following definitions		
A. Establishment for production, processing, etc.	Staff/BPR/BZ A	✓
B. Place of worship	Staff/BPR/BZ A	✓
C. Storage	Staff/BPR/BZ A	✓
D. Off-leash dog parks	Citizen	✓
12. Consider excluding patios from the deck definition in order to facilitate the placement of patios in side yards.	Staff	✓
13. Consider allowing the use of pervious pavers in more parking situations in order to reduce the amount of impervious surfaces and stormwater runoff.	BOS /DPWES	✓
14. Consider revising the contractors' office and shops definition to clarify that the use includes establishments used by paving and road contractors and by facilities that install water and sewer pipes.	BZA	✓
15. Consider allowing electric vehicle charging stations as an accessory use with certain limitations in commercial and industrial districts or as a special exception use if use limitations are not met.	Staff	✓
16. Review the definition of gross floor as to how it is calculated outside of the PDC, PRM and PTC Districts	Staff	
<u>GENERAL REGULATIONS</u>		
17. District Regulation Interpretations – Consider allowing the transfer of allowable density or gross floor area from parcels located within an identified sending area to parcels located within an identified receiving area.	BOS	

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18. Exempt floor area used for a public use from the density calculations on a property	Economic Success Plan	
19. Qualifying Lot and Yard Regulations – Consider the following:		
A. Allow approval of modifications to the setback requirements from railroads and interstate highways in conjunction with review and approval of SP/SE uses.	BPR	
B. Review pipestem lot and yard requirements, to include possible addition of illustrations. MAYBE	BPR	✓
C. Revise provisions of lots contiguous to pipestem driveways to remove the language “serving more than one pipestem lot.”	Citizen	
D. Review the existing provisions which allow uncovered stairs and stoops to encroach into minimum required yards.	Staff	
E. Allow certain lattice screening walls and/or limited trellis-like features on decks for single family dwellings without requiring such features to meet the minimum required yards of the district in which located	Staff	✓
F. Consider requiring greater setbacks for proposed construction in areas influenced by tidal flooding.	BOS’s Environmental Committee	
G. Consider revisions to the lot and yard definitions; consider whether front yards should be required from unimproved dedicated rights-of-way.	Infill Study	
H. In order to address compatibility issues associated with new residential development in existing residential areas, review methods, such as lot coverage and square footage maximums.	BOS	
I. Consider revising the yard designation and minimum setback requirements for single family corner lots.	Citizen	✓
20. Qualifying Use and Structure Regulations - Consider the following:		
A. Consider revising the maximum number of horses that may be maintained on a lot.	No. Va. Soil & Water Conservation District	
B. Consider allowing chickens to be permitted on lots less than two acres in size in certain situations.	Citizen	
<u>HOUSING</u>		
21. Consider the following revisions to the Affordable Dwelling Unit (ADU) program:		

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A. Allow units that are acquired by the Fairfax County Redevelopment and Housing Authority (FCRHA) and are part of any FCRHA affordable housing program to be considered equivalent.	Staff	
B. Clarify Par. 2B of Sect. 2-812 to indicate that resales can be sold to nonprofits pursuant to the guidelines for new units.	Staff	
C. Increase the closing cost allowance from 1.5% of the sales price to either the actual closing costs or up to 3%, whichever is less.	Staff	
D. For resales, allow 3% of closing costs to be part of the sales price so that applicants can apply for closing costs assistance.	Staff	
E. Establish a for-sale ADU pricing schedule to include the renovation and/or preservation of existing units and condominium conversions.	Staff	
F. Consider requiring an ADU bedroom mix of 50% one-bedroom units and 50% two-bedroom units for independent living facilities.	Staff	
G. Determine whether inheritance laws affect the retention of an ADU within the ADU Program in the event of the death of an ADU owner, and if so, whether an amendment is necessary. Study the implications of allowing ADUs and/or workforce housing in certain commercial and/or industrial districts, subject to specific standards or by special exception.	Staff	
H. Study the implications of allowing ADUs and/or workforce housing in certain commercial and/or industrial districts, subject to specific standards or by special exception.	Staff	
I. Review the ADU program exemptions set forth in Sections 2-803 and 2-804 that exclude certain types of developments from the ADU requirements.	Fair Housing Action Plan 2016-2020	
J. Evaluate the definitions of Affordable Housing and Affordable Dwelling Unit Development in Article 20 to determine whether current income thresholds are appropriate or if they should be aligned with the definitions used by Housing and Urban Development (HUD).	Fair Housing Action Plan 2016-2020	
22. Other Housing Policies		
A. Review the Board of Supervisors' accessory dwelling unit policy in Appendix 5 to determine whether updates are necessary.	Staff	✓
B. Consider increasing the number of persons with disabilities permitted in a group residential facility from 8 to 12; consider use of a special permit process or other type of reasonable accommodation process to permit more than 12 people with disabilities in a community residence and decrease application fees associated with these type of applications.	Fair Housing Action Plan 2016-2020	
23. Residential Studios – Establish a new use and associated use limitations for an affordable housing product generally designed for one person per unit.	Board	

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<u>INDUSTRIAL ZONING DISTRICTS</u>		
24. Revise use limitations in I-5 District regarding outdoor storage of trucks and equipment.	BOS	✓
25. Clarify use limitations in the I-5 and I-6 Districts which allow vehicle light service establishments by right. Also consider allowing this use by right in other C and I Districts.	BPR	✓
26. Consider allowing private clubs and public benefit associations in the industrial district by right and subject to use limitations.	Staff	✓
27. Consider limitations on the size of a food and beverage production facility in the I-4 District.	BOS	
<u>LANDSCAPING & SCREENING</u>		
28. Comprehensive review of landscaping and screening provisions to include:		
A. Appropriateness of modification provisions.	BPR/Staff/ Industry	
B. Address issue of requirements when property abuts open space, parkland, including major trails such as the W&OD and public schools.	Staff/EIP	
C. Increase the parking lot landscaping requirements.	Tree Action Plan/EIP	
D. Include street tree preservation and planting requirements.	Tree Action Plan	
E. Consider requiring the use of native trees and shrubs to meet the landscaping requirements for developments along Richmond Highway.	BOS	
29. Evaluate opportunities to include provisions that support and promote sustainable principles in site development and redevelopment, including the application of better site design, Low Impact Development (LIDs) and natural landscaping practices.	Tree Action Plan	
<u>NONCONFORMITIES – ARTICLE 15</u>		
30. Comprehensive review and study, to include addition of provisions to address situations resulting from condemnation of right-of-way by public agencies.	Staff/BPR	
<u>OPEN SPACE</u>		
31. Review of the open space provisions to include:		
A. Consider the establishment of minimum sizes/dimensions for required open space areas.	Infill Study/EIP/ Staff	

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B. Exempt either all or part of stormwater management dry pond facilities from the open space calculations.	Infill Study/EIP/Staff	
C. Provide open space credit for innovative BMPs but not for non-innovative BMPs	Infill Study/EIP/Staff	
D. Allow open space credit only for usable open space.	Infill Study/EIP/Staff	
E. Develop a consistent approach to open space as it relates to various existing and proposed elements of the Comprehensive Plan.	Infill Study/EIP/Staff	
F. Review the general open space provisions to clarify that open space is only intended for land that is dedicated or conveyed without monetary compensation.	Infill Study/EIP/Staff	
<u>OVERLAY DISTRICTS</u>		
32. Airport Protection Overlay District - Establish an Airport Protection Zoning Overlay District for Dulles International Airport, Ronald Reagan National Airport and Davison Airfield	BOS	
33. Historic Overlay Districts - Consider the following revisions to the Historic Overlay Districts:		
A. Requiring all demolition permits for structures listed on the County Inventory of Historic Places to be reviewed by the History Commission prior to the issuance of the permit.	History Commission	
B. Establish an historic overlay district for Mason Neck.	BOS	
<u>PARKING REQUIREMENTS</u>		
<i>(NOTE: Some items may be considered as part of a future phase of the zMOD project.)</i>		
34. Study parking requirements for:	BOS /Staff	
A. Funeral homes		
B. Places of worship		
C. Child care centers and nursery schools		
35. Consider reducing the minimum required parking requirement for all retail and retail mixed projects and not only those projects that are located near mass transit.	Industry	
36. Consider the following revisions to vehicle parking on lots with single family detached dwellings:		

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A. Limit the amount of pavement for driveways and parking in the R-5 and R-8 Districts.	Citizen	
B. Limit parking for all vehicles or trailers to the front yard and only on a paved surface.	Citizen	
37. Clarify the meaning of “permanent availability” in Par. 1 of Sect. 11-102 as it pertains to the use of off site parking spaces on a contiguous lot.	Addressed with ZO 18-470	
38. Regulate the maximum size of personal vehicles that are permitted to park in a residential district.	Citizen	
39. Consider establishment of a bicycle parking requirement and for pathway connections between rights-of-way and on-site bicycle/pedestrian pathways.	Staff	
<u>PERFORMANCE STANDARDS</u>		
40. Review the earthborn vibration performance standards.	Staff	
<u>PLANNED DEVELOPMENT DISTRICTS</u>		
<p>41. Consider the following revisions to the Planned Development Districts:</p> <p>A. Clarify the office secondary use limitations in the PDH District; Review the purpose and intent statements and the General and Design Standards; Review minimum lot size and open space requirements, the CDP/FDP submission requirements, and density credit for RPAs, streams and floodplains; Review permitted secondary commercial uses in the PDH District and consider increasing amount of commercial uses permitted; Consider waiving the minimum district size requirement for additions to existing PDH or PDC Districts; allow the Planning Commission to waive the 200 foot privacy yard for single family attached dwellings as part of FDP approvals; consider revising the 600 foot limit on private streets; and consider changes to the PRM/PDC District regulations related to mixed use districts. <i>(NOTE: These items may be considered as part of the zMOD items regarding PDC/PRM District Regulations and PDH District Regulations.)</i></p>	Infill Study/EIP/EAC/PC/Staff	
B. Reston PRC District Density Provisions	Board	
<u>RESIDENTIAL ZONING DISTRICTS</u>		
42. Establish an advisory committee to, among other things, review standards and guidelines associated with special permit, special exception and public uses in the R-C District; review maximum allowable floor area ratios; consider standards for total impervious cover and/or undisturbed open space and review combined impact of the facility footprint and total impervious surface cover, to include parking; and review the Comprehensive Plan to determine if clearer guidance is needed for special permit, special exception and public uses in the Occoquan.	New Millennium Occoquan Task Force/EAC	

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<u>SPECIAL EXCEPTIONS</u>		
43. Category 1 Light Public Utility Uses – Consider revisions to strengthen the additional standards for Category 1 uses and add provisions to protect adjacent residential uses.	Citizen	
44. Category 2 Heavy Public Utility Uses – Consider the deletion of special exception requirement in the I-5 District for storage yards and office/maintenance facilities in conjunction with public utility uses, so these uses will be allowed by right.	BPR	✓
45. Category 5 Commercial and Industrial Uses of Special Impact – Consider the appropriateness of the list of heavy industrial uses.	Staff	✓
46. Consider requiring special exception approval to establish dancing and/or live entertainment/recreation venues and clarify what is allowed as accessory entertainment to an eating establishment. <i>NOTE: this item may be reviewed as part of a future phase of the zMOD project.</i>	BOS	✓
<u>SPECIAL PERMITS</u>		
47. Consider allowing BZA to modify or waive general standards when uses are proposed for existing structures and/or lots.	BPR	
48. Consider deletion of requirement for extension requests to be submitted 30 days prior to an expiration date, consistent with renewal requests.	Staff	
49. Allow BZA to modify special permit additional standards.	BPR	
50. Group 1 Extraction and Excavation Uses - Consider expanding the number of property owners requiring notification for the renewal of a special permit for a quarry and revise the blasting vibration maximum resultant peak particle velocity to be consistent with state regulation 4VAC25-40-880.	BOS /PC	
51. Group 4 Community Uses – Consider allowing community uses to be approved via development plans in the rezoning process in lieu of requiring special permit approval.	Staff/BPR	✓
52. Group 5 Commercial Recreation Uses – Consider clarifying types of uses included in “any other similar commercial recreation use.”	Staff	✓
53. Group 9 Uses Requiring Special Regulations – Consider the following:		
A. Revise the reduction of certain yard special permit additional standards to increase the allowable size of an addition and to allow the complete teardown and rebuild of a structure.	BOS /PC	
B. Revise the accessory dwelling unit submission requirements, occupancy and lot size limitations.	BOS	

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C. Increase the minimum 55-year age requirement for accessory dwelling units.	BZA	
<u>STATE CODE CHANGES</u>		
54. Incorporate the new requirement for Development in dam break inundation zones. Moved to Priority 1	General Assembly	
<u>SUBMISSION REQUIREMENTS</u>		
55. Revise submission requirements to include identification of heritage resources; and consider expanding the archaeological survey submission requirements to be applicable to all zoning applications and not only those applications located in Historic Overlay Districts.	BOS/Plan	
56. Consider adding specificity to the submission requirements for Comprehensive Sign applications.	Staff	
57. Consider adding an environmental site assessment submission requirement for site plans and certain zoning applications.	General Assembly	
58. Consider the strengthening of zoning application submission requirements to require the submission of a preliminary utility plan where utility construction could conceivably result in clearing of trees.	Tree Action Plan/EIP	
59. Review regulations related to:		
A. Adult video stores	Staff/BOS	✓
B. “Doggie” day care	Staff/BOS	✓
C. Sports arenas, stadiums	Staff/BOS	
60. Review the drug paraphernalia regulations to determine whether changes are necessary due to State Code revisions.	Staff	
61. Clarify that a certain amount of biotech (bioscience) research and development, which is primarily computer related and excludes animal testing, is permitted as an office use.	Staff	✓