



County of Fairfax, Virginia

MEMORANDUM

DATE: May 16, 2019

TO: Planning Commission Land Use Process Review Committee

FROM: Leslie B. Johnson *LBJ*
Zoning Administrator

SUBJECT: **Zoning Ordinance Amendment Work Program 2019 Update**
Planning Commission Land Use Process Review Committee
May 23, 2019 at 8:30 p.m.

Introduction

The Land Use Process Review Committee will be meeting on May 23, 2019 to review and comment on the Zoning Ordinance Amendment Work Program (ZOAWP) 2019 Status Update. In July 2018 the Board of Supervisors (Board) approved the 2018 ZOAWP for a two-year cycle through June 2020, with a status update to be provided in June 2019 to consider any possible adjustments and establish priorities for FY 2020. The purpose of this memorandum is to provide the Committee with a status update, highlight the progress made on the ZOAWP during the last 12 months, identify new items that have been added since July 2018 and establish priorities and timing for the next 12 months. The **zMOD** initiatives which include specific amendments as well as the overall reformatting and restructuring of the Zoning Ordinance will be presented as a single amendment topic with appropriate sub-topics, similar to the other amendment initiatives. The following documents are attached to facilitate the discussion of the proposed 2019 ZOAWP Update:

- Attachment 1 – Status Table for the 2018 ZOAWP
- Attachment 2 – Proposed 2019 ZOAWP Summary Table
- Attachment 3 – Proposed 2019 ZOAWP Narrative
- Attachment 4 – New Amendment Requests (requests that have been suggested or identified subsequent to approval of the 2018 ZOAWP)
- Attachment 5 – Priority 2 Work Program Amendments

The ZOAWP, originally initiated in 1983, outlines requested changes to the Zoning Ordinance, which originate from a variety of sources, including the Board of Supervisors (Board), Planning Commission, Board of Zoning Appeals (BZA), citizens, industry representatives, and staff. Since 2017, the ZOAWP reflects the **zMOD** initiatives that are ongoing as part of the County's efforts to modernize the Zoning Ordinance. These initiatives include the creation of new use categories and standards that accommodate new concepts and emerging trends as well as creating a new, streamlined, user friendly document that will be usable on multiple electronic platforms. The ZOAWP also includes other initiatives that vary in scope from major initiatives that include reviews of specific portions of the Zoning Ordinance or the addition of new concepts or uses to minor changes of a clarifying nature or limited impact.

2018 Priority 1 Work Program Accomplishments (Attachment 1)

The 2018 Priority 1 Work Program included a total of 18 amendment initiatives, 5 under **zMOD** and 13 under the “regular” Zoning Ordinance Amendments. A number of these initiatives are broken down into more specific sub-topics. Since July 2018, close to **75%** of the individual amendment topics have either been adopted, authorized for public hearings by the Board, or otherwise addressed. During this period, the Board adopted a number of significant amendments including: **Short Term Lodging in Residential Dwellings; Small Scale Production Facilities; Older Adult Accommodations**, which included the establishment of a new Planned Continuing Care Community zoning district and use, establishment of a new use and regulations for Adult Day Care Centers, as well as historical research and clarification of the role of the Health Care Advisory Board; **Rewrite of the Sign Ordinance**, and a major update of the **Wireless Facilities** provisions of the Zoning Ordinance.

Adoption of these major amendment initiatives were the culmination of many months and sometimes years of staff research and text development, stakeholder and community outreach, numerous presentations to the Board’s Development Process Committee (DPC), and hours of public testimony before both the Planning Commission and Board. Specific websites have been created for many of the amendment topics and new permitting processes were put in place in conjunction with the Short Term Lodging and Wireless Facilities initiatives. In addition, during the past 12 months, significant staff resources in coordination with the County’s consultant, Clarion Associates, have been spent on the development and outreach of the new Consolidated Draft Use Regulations prepared as part of the **zMOD** initiative. The Consolidated Draft Use Regulations was presented to the DPC on May 14, 2019 and to this Committee on May 15, 2019. Staff will continue to seek opportunities to broadly engage the community on amendments and other zoning topics.

Other initiatives, while not adopted, have been otherwise addressed and have been included in the 75% category of accomplishment. For example, the Reston PRC District Density (Item #10) which was authorized for public hearings after a year of significant staff review and community outreach, was deferred by the Board after the Planning Commission public hearing. This item has been moved to the Priority 2 List (Item #41B) as a placeholder for future prioritization pending changes to the Comprehensive Plan for the Reston PRC District. The Land Development Services (LDS) initiative (Item #5A,5D) to delegate approval of modifications of minor site plan provisions from the County Executive to the Director of LDS and to create a combined Non-Residential Zoning Use Permit and Certificate of Occupancy have both been addressed through implementation of new procedures and policies. Finally, the Temporary/Pop-Up uses under the **zMOD** initiative for Building Repositioning/Repurposing is addressed through modifications to the Temporary Use regulations presented in the **zMOD** Consolidated Draft Use Regulations and with existing zoning processes.

2019 Zoning Ordinance Amendment Work Program Update (Attachments 2 and 3)

Attachment 2 is a summary table of those amendment initiatives that are being carried forward from 2018, and several new amendment initiatives that have been requested by the Board or identified by staff or other stakeholders. The 2019 Update presents those amendments that are anticipated to be brought forward for authorization during the next 12 month period (July 2019 –

June 2020) unless otherwise noted. Attachment 3 provides a more detailed narrative description of the 2019 ZOAWP which includes the **zMOD** initiatives. The proposed 2019 ZOAWP contains 13 amendment initiatives. For several of the initiatives, the main initiative is broken down into related topics that are governed by different provisions of the Zoning Ordinance as outlined in Attachment 3. For example, the Editorial and Minor Revisions subject area (Item #3) consists of 7 completely different topic areas that are all editorial/minor in nature, but are unrelated to one another. Of the 34 individual topic areas, 13 are new and the remaining items have been carried over from the 2018 ZOAWP.

For 2019, the timing continues to be identified as either First Tier, Second Tier, Pending, or to be determined (TBD). First Tier items will be brought forward for Board consideration or discussion within the first half of the 2019 fiscal year beginning July 2019; Second Tier items will be brought forward in the second half of the fiscal year; and items listed as Pending have been authorized and public hearings are scheduled as of the date of this memorandum. Staff notes that this timing proposal means that the amendment will be presented to the Board in some manner within the designated timeframe, which may include preparation of a strawman for discussion and direction at the Development Process Committee or authorization to advertise the proposal for public hearings.

The **zMOD** initiatives are included as a separate line item in the 2019 ZOAWP (See 2019 Initiative #13). The Consolidated Draft Use Regulations (Initiative #13A) was recently presented to the Board's Development Process Committee and to this Committee. Staff will be seeking endorsement of the Consolidated Draft Use Regulations from the Board in July 2019. Several of the items on the 2019 Work Program, including accessory structure size (2018 Initiative # 3) and accessory dwelling units (2018 Initiatives #4A and #8C) have been addressed in the Consolidated Draft Use Regulations document and are listed as topics under that initiative. (See 2019 Initiative 13A (1) and (2)). Staff and Clarion Associates will be working on the Restructuring and Reformatting Initiative (#14B) during most of FY 2020.

In addition to the **zMOD** Initiatives, significant staff work and outreach has already occurred on many of the 2019 First Tier items, some of which represents a continuation of work started under the 2018 ZOAWP. The Community Garden and Farmers Market components of the Agricultural Uses and Districts Initiative (Item #1) have been authorized for public hearings and staff will be meeting with existing and potential agritourism operators later this spring/summer to begin discussions on agritourism uses. Staff has been soliciting input (Initiative # 7) regarding the lighting amendment and plan to bring forward a strawman for discussion at an upcoming DPC meeting. Land Development Services is moving forward with PFM Flex changes which will relocate the provisions related to the Tree Commission and the Geotechnical Review Board from the Zoning Ordinance to either the PFM or other Chapters of the County Code. (See Initiative #6)

New Requests (Attachment 4)

Staff receives various requests for consideration of additional amendments throughout the course of a yearly ZOAWP. The 2018 ZOAWP was adopted for a two-year cycle through June 2020, with a status update to be provided in June 2019 to consider any possible adjustments and establish priorities for FY 2020. Attachment 4 sets forth the new requests that were received since the adoption of the 2018 ZOAWP, with notations as to the affected provisions and the source of the request. Staff used this list in conjunction with the carry-over items from the 2018 ZOAWP to determine each items' grouping and priority in terms of the 2019 ZOAWP update or for inclusion as part of the zMOD initiative.

Of the eight new initiatives outlined in Attachment 4, seven of the initiatives have been added to the 2019 ZOAWP. These additions include a number of editorial and minor revisions (Item #3); creation of a new Historic Overlay District for the Hollin Hills Subdivision (Item #5); review of regional mall parking rates (Item #9); completion of a status update and recommendations for any modifications to the Short-Term Lodging provisions (Item #10); and modifications necessitated by the recent adoption of the Zoning for Wireless Infrastructure amendment (Item #12). The location regulations for basketball standards (Item #1) is being addressed in the zMOD Consolidated Draft Use Regulations.

Priority 2 Work Program Update (Attachment 5)

The Priority 2 Work Program includes those amendments that are not proposed to be added to the current ZOAWP but have been retained for future priority consideration. This list is being reviewed in context of the zMOD update of the use categories and use standards and the restructuring and re-formatting of the remaining Zoning Ordinance provisions. A significant number of items on the list have been considered and addressed in conjunction with the Consolidated Draft Use Regulations including uses/definitions, suggested clarifications/simplifications, and provisions related to accessory uses/structures. These items have been highlighted in the Priority 2 Table. The only two new items that have been added to the Priority 2 list for 2019 are:

1. Corner Lot Yard Regulations
2. Reston PRC District Density

Conclusion and Recommendation

The joint initiatives of the 2019 ZOAWP Update and zMOD project continue to propose an ambitious agenda that will enable the County to bring forward a more modern Zoning Ordinance that will meet the current and future needs of the County's business community and its citizens. As noted earlier, over the past 12 months close to 75% of the items on the 2018 Work Program have either been adopted, scheduled for public hearing or otherwise addressed, as noted in the Status Update. In the first half of 2020 staff will be finalizing the draft of the reformatted and restructured Zoning Ordinance for stakeholder review and for Board authorization of public hearings. Therefore, the opportunity to add any additional items to this 2019 Work Program Update is limited. Staff is placing a priority on ensuring that the timing of these amendment initiatives are realistic so that the initiatives do not stay on the work program for multiple years as other priority amendments are identified and brought forward. Further, staff will be looking at

a revised and more streamlined format and approach for the 2020 Work Program, particularly given that there will be a newly adopted Zoning Ordinance. Staff will be present at the Committee meeting on May 23, 2019 to discuss the proposed 2019 ZOAWP and respond to any questions.

cc: Supervisor Kathy Smith, Chair, Development Process Committee
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STATUS UPDATE
2018 ADOPTED PRIORITY 1 SUMMARY TABLE
ZONING ORDINANCE AMENDMENT WORK PROGRAM

ZONING ORDINANCE MODERNIZATION (zMOD) PROJECT INITIATIVES		
TBD = To Be Determined		
	Amendment Topic	Status/Target Timeframe
1	Building Repositioning/Repurposing	A. Small-Scale Production Facilities B. Temporary/Pop-Up Uses ADOPTED 12/4/18 Addressed with zMOD
2	PDH District Regulations	TBD
3	Re-format and restructure provisions	Consultant work underway
4	Sign Ordinance	A. Content neutrality-related changes B. Size/height, location; CSP review process ADOPTED 3/19/19 TBD
5	Use Categories	Board Endorsement July 2019
2018 ZONING ORDINANCE AMENDMENT WORK PROGRAM INITIATIVES		
<i>NOTE: Under the Tier column, "First" is a timing reference that indicates an intent to seek authorization by the Board within the first half of Fiscal Year (FY) 2019 and "Second" would occur in the second half of FY2019 and "Authorized" indicates that the amendment has been authorized and is advancing through the public hearing process</i>		
	Amendment Topic	Tier
1	Accessory Structure Size	Addressed with zMOD
2	Agricultural Districts and Uses	A. Community Gardens B. Farmers Markets/Sales C. Residential Gardening D. Agritourism E. Industrial/Commercial/Container Agriculture F. Industrial Composting AUTHORIZED 3/19/19 AUTHORIZED 3/19/19 AUTHORIZED 3/19/19 Second Addressed w/zMOD Item 1A Moved to Priority 2
3	Application Fees	Second
4	Editorial & Minor Revisions	A. Accessory Dwelling Units B. Accessory Outdoor Storage/Display C. Child Care Centers D. Commonly Accepted Pets E1. Definition - Gross Floor Area E2. Definition - Lot Line E3. Definition - Lot Width F. Keeping of Animals G. Nonconformities H. Permitted Extensions I. Planning Commission Membership J. Private/Fraternal Clubs K. Small Cell Facilities in HODs L. Temp. Mobile/Land Based Telecom Facilities M. Temporary Special Permits Escrow N. Yard Sales O. Enforcement Authority to Include DCC Addressed with zMOD ADOPTED 12/4/18 ADOPTED 12/4/18 ADOPTED 1/22/19 ADOPTED 12/4/18 Second Second ADOPTED 12/4/18 Second ADOPTED 12/4/18 ADOPTED 12/4/18 ADOPTED 12/4/18 ADOPTED 4/9/19 ADOPTED 12/4/18 ADOPTED 12/4/18 ADOPTED 12/4/18 ADOPTED 12/4/18

STATUS UPDATE
2018 ADOPTED PRIORITY 1 SUMMARY TABLE
ZONING ORDINANCE AMENDMENT WORK PROGRAM

5	Land Development Services Initiatives	A. Delegation on Minor Site Plans B. PFM Flex Project C. Buildable Area Delineation D. RUP/NonRUP to Cert. of Occupancy	Otherwise Addressed Second ADOPTED 1/22/19 Otherwise addressed
6	Laurel Hill Historic Overlay District		Second
7	Noise Ordinance – Limited Minor Updates		ADOPTED 1/22/19
8	Older Adult Accommodations/Services/ other Congregate Care Uses	A1. PCC Zoning District A2. Continuing Care Facility Use B. Adult Day Care Centers C. Age-Restricted/Innovative Housing Types (1) Review participation/role of Health Care Advisory Board (2) Expansion of accessory dwellings for older adults	ADOPTED 12/4/18 ADOPTED 12/4/18 ADOPTED 12/4/18 Second ADOPTED 12/4/18
9	Outdoor Lighting		First
10	PRC District Density (Reston)		AUTHORIZED 12/4/18
11	Rear Yard Coverage	A. Calculation of Rear Yard Coverage B. Increase in Coverage for Small Lots C. Special Permit for Coverage D. Modify Size of Children’s Play Structures	ADOPTED 6/5/18 ADOPTED 6/5/18 ADOPTED 6/5/18 ADOPTED 6/5/18
12	Short-Term Lodging	A. Homeowner/renter Operated in Dwellings B. Commercially Operated	ADOPTED 7/31/18 First
13	2018 State Code Changes	A. Wireless Telecommunications Infrastructure B. Civil Penalties C. Others	ADOPTED 4/9/19 ADOPTED 12/4/18 N/A

**PROPOSED 2019 ZONING ORDINANCE AMENDMENT
WORK PROGRAM SUMMARY TABLE**

2019 ZONING ORDINANCE AMENDMENT WORK PROGRAM INITIATIVES			
<i>NOTE: Under the Target Timeframe column, "First" is a timing reference that indicates an intent to seek authorization by the Board within the first half of Fiscal Year (FY) 2020 and "Second" would occur in the second half of FY2020 and "Pending" indicates that the amendment has been authorized and is advancing through the public hearing process</i>			
Origin	#	Amendment Topic	Target Timeframe
2016 ZOAWP	1	Agricultural Districts and Uses A. Community Gardens B. Farm Markets/other sales C. Residential Gardening as Accessory D. Agritourism Uses	A. Pending B. Pending C. Pending D. First
2016 ZOAWP	2	Application Fees	Second zMOD – Reformat
2017 ZOAWP and NEW	3	Editorial and Minor Revisions *	Pending and First
NEW	4	Fairfax Green Initiatives	TBD
2018 ZOAWP and NEW	5	Historic Overlay Districts A. Laurel Hill B. Hollin Hills	A. TBD B. Second
2018 ZOAWP and NEW	6	Land Development Services Initiatives A. PFM Flex Project B. Dam Inundation Zones	A. First B. First
2016-17 ZOAWP, 50+ Action Plan	7	Older Adult Accommodations and Services and other Congregate Care Uses	TBD
2016 ZOAWP	8	Outdoor Lighting	First
NEW	9	Regional Mall Parking Rates	First
2017 ZOAWP and NEW	10	Short-Term Lodging A. Homeowner/Renter Operated Status Update B. Commercially Operated	A. Second B. Second
NEW	11	2019 State Code Changes – As needed	TBD
NEW	12	Wireless Facilities A. Delete Wireless Tower and Base Stations B. Clarify Modification Provisions C. Delete or Amend Applicable Fees D. Other Minor or Editorial Changes	A. First B. First C. First D. First
2016 zMOD Project	13	zMOD Initiatives A. Use Categories (1) Classifications and related standards (2) Accessory structures (3) Accessory dwelling units B. Re-Format/Restructure provisions C. PDH District Regulations D. Sign Ordinance Part 2	A(1). First A(2). First A(3). First B. Second C. TBD D. TBD

* See Subcategories in the Priority 1 Work Program Narrative in Attachment 3

**2019 ZONING ORDINANCE AMENDMENT WORK PROGRAM
NARRATIVE**

*Includes Carry Over from the 2018 Zoning Ordinance Amendment and zMOD Initiatives as well
as new items requested/identified after adoption of the 2018 ZOAWP
(Collectively referred to as 2019 ZOAWP)*

Below is an alphabetical list and description of the amendments proposed to be evaluated as part of the 2019 Zoning Ordinance Amendment Work Program (ZOAWP). Timing for consideration of the proposed amendments on the ZOAWP is identified as either “First Tier”, “Second Tier”, “Pending” or “To Be Determined (TBD).” The First Tier amendments are anticipated to be reviewed and brought forward for discussion and/or authorization within the first six months of the Fiscal Year 2020 and items identified as Second Tier would be considered in the second half of the fiscal year. Items identified as “Pending” have been authorized as of the date of preparation of this Work Program. Those items identified as “TBD” do not have a specific timeframe.

2019 ZONING ORDINANCE AMENDMENT INITIATIVES

1. **Agricultural Districts and Uses** – Review zoning districts in which agricultural activities are permitted; address trends to include more community-based and urban agricultural forms; address agritourism uses as set forth in the State Code; and review provisions allowing for the sale of agricultural/garden products. (Carry Over from 2018 Initiative 2)
 - A. Community Gardens/Urban Agriculture (**Pending**)
 - B. Sales/distribution of Garden/Farm Products (including wayside stands, farm markets, open air produce stands, farmers’ markets) (**Pending**)
 - C. Residential Gardening as an Accessory Use (**Pending**)
 - D. Agritourism Uses (**First Tier**)
2. **Application Fees** – Evaluate application fees in conjunction with zMOD restructuring and the next budget cycle to determine what adjustments are warranted. (Carry over from 2018 Initiative 3) (**Second Tier with zMOD Restructure/Reformat**)
3. **Editorial and Minor Revisions**
 - A. Definitions (Carry over from 2018 Initiative 4E)
 - (1) Lot Line – consider revising the definition so that measurements for curved lot lines are no longer based on the chord of the arc. (**First Tier**)
 - (2) Lot Width – consider allowing lot width to be measured along any street on a through lot and clarify that lot width is measured from the local street on a reverse frontage lot. (**First Tier**)

- B. Yard Sales - clarify the type of household items that are permitted to be sold at yard sales associated with a dwelling. (Carry over from 2018 Initiative 4N) **(Pending)**
 - C. BZA Decisions **(New)** – clarify that the decisions of the BZA are final and are not subject to reconsideration by the BZA. **(Pending)**
 - D. Department Name Change **(New)** – changes the department name from Planning and Zoning to Planning and Development in the ZO, Noise Ordinance, and other appropriate locations. **(Pending)**
 - E. Inspections **(New)** – clarify that the ZA or her agent may seek an inspection warrant and that nothing in the ZO authorizes the inspection of a property without consent or warrant. **(Pending)**
 - F. SolSmart Community Designation **(New)** – add solar panels as a specifically identified accessory structure (already allowed) to qualify to the SolSmart community designation. **(Pending)**
 - G. Nonconformities – clarify the time limit in which a discontinued use that had been permitted by right under previous provisions, but which requires special exception or special permit approval under the current provisions, may be re-established. (Carry over from 2018 Initiative 4G)
4. **Fairfax Green Initiatives (New)** – consider zoning changes that would incentivize and support more environmentally sustainable development. **(TBD)**
5. **Historic Overlay Districts**
- A. Establish Laurel Hill Historic Overlay District as anticipated by the 2001 Memorandum of Agreement (MOA) between Fairfax County and the federal government for the former Lorton Correctional Complex. (Carry over from 2018 Initiative 6) **(TBD)**
 - B. Hollin Hills Subdivision **(New)** – Establish a Hollin Hills Historic Overlay District with associated design guidelines to preserve and protect its unique architecture, site design and status on the National Register of Historic Places **(Second Tier)**
6. **Land Development Services Initiatives** - as part of the Department of Land Development Services (LDS) annual work plan, including an update of the Public Facilities Manual (PFM), changes to the Zoning Ordinance may be required in the following areas: (Carryover from 2018 Initiative 5)
- A. PFM Flex Project –miscellaneous changes may be required to the Zoning Ordinance
 - B. Dam Inundation Zones **(New)** – codify existing practices to conform to state code

requirements for development in dam inundation zones and add submission requirement for zoning applications. Will be reviewed in coordination with changes to PFM. (2018 Priority 2 Item 56)

7. **Older Adult Accommodations and Services and Other Congregate Care Uses** – Consider changes identified by the 50+ Plan initiatives to include provisions that foster development of new/innovative housing types designed to serve older adults, first-time homebuyers, and lower income populations; review existing parking regulations; review minimum acreage requirements for certain use. (Carry over from 2018 Initiative 8C) **(TBD)**
8. **Outdoor Lighting** – Consider revisions to the outdoor lighting standards pertaining to security lighting, outdoor sports facilities and other changes to improve the overall effectiveness of such provisions; consider requiring Architectural Review Board review of sports illumination plans and photometric plans that are submitted in Historic Overlay Districts when such plans do not require site plan, special permit, special exception, rezoning or development plan approval; and review single family residential lighting exemptions to consider additional requirements for minimum spacing of lighting fixtures and possible limitations on cumulative allowable initial light outputs. (Carry over from 2018 Initiative 9) **(First Tier)**
9. **Regional Mall Parking Rates (New)** – Review and analyze the parking rates for regional malls in excess of 800,000 square feet of gross floor area to determine an appropriate minimum parking requirement for shopping centers of this size given the changing nature of retail. **(First Tier)**
10. **Short-Term Lodging**
 - A. Homeowner/Renter Operated in Dwellings **(New)** – Provide status update on Short-Term Lodging permit program which became effective October 1, 2018. **(Second Tier)**
 - B. Commercially Operated – consider changes that would permit new multiple family dwelling unit developments to provide units on a short-term basis for a limited percentage of the units and over a limited period of time during lease-up period; consider allowing multiple family buildings to offer a small percentage of the total unit count as short term rentals that are commercially managed. (Carry over from 2018 Initiative 12B) **(Second Tier)**
11. **2019 State Code Changes** – this item is an annual Work Program entry that will address any changes to the Code of Virginia that necessitate a change to the Zoning Ordinance. **(TBD)**
12. **Wireless Facilities (New)** – Incorporate modifications that are required as the result of the adoption of the Zoning for Wireless Infrastructure Zoning Ordinance Amendment, including: **(First Tier)**
 - A. Delete Sect. 2-520, Modifications to Existing Wireless Towers or Base Stations, and all references to Sect. 2-520;

- B. Revise Sect. 2-514 to clarify that co-locations that are deemed eligible facilities requests for a modification of a wireless tower or base station that does not substantially change the physical dimensions of such tower or base station under Sect. 6409 of the Spectrum Act do not require any zoning permit and are not subject to Sect. 2-514;
- C. Revise Sect. 18-106 to delete the Sect. 6409 determination fee and the fee computation note for DAS; and
- D. Minor revisions or edits that may be necessary for clarification or consistency.

13. zMOD Initiatives

A. Use Categories

- (1) Classifications and Related Standards – Create new use classifications and use categories with related use standards to accommodate emerging trends, reduce need for determinations and to more accurately reflect current/future changes in the industry. (Carry over from 2018 zMOD Initiative 5) **(First Tier)**
 - (2) Accessory Structure Size – Consider limiting the size of an accessory structure relative to a principal structure that can be permitted by right and allowing larger accessory structures with special permit approval by the BZA. (Carry over from 2018 Initiative 1, to be addressed in the Consolidated Draft Use Regulations)
 - (3) Accessory Dwelling Units - Consider opportunities for expansion of the use of accessory dwelling units for older adults. (Carry over from 2018 Initiative 4A, to be addressed in the Consolidated Draft Use Regulations)
- B. Re-Format and Restructure remaining zoning ordinance provisions to include use of tables, illustrations and web-enabled links/content, to create streamlined, user-friendly document that is usable on multiple electronic platforms. (Carry over from 2018 zMOD Initiative 3) **(Second Tier)**
 - C. PDH District Regulations – to include review of the Purpose and Intent provisions, as well as yards, uses, processes and issues impacting homeowners, particularly related to small-scale PDH developments, including HOA maintenance and other topics. (Carry over from 2018 zMOD Initiative 2) **(TBD)**
 - D. Sign Ordinance Part 2 - Consider specific regulations for mixed use districts including a review of the Comprehensive Sign Plan. (Carry over from 2018 zMOD Initiative 4) **(TBD)**

**NEW ZONING ORDINANCE AMENDMENT PROPOSALS
AFTER ADOPTION OF THE 2018
ZONING ORDINANCE AMENDMENT WORK PROGRAM (ZOAWP)**

*NOTE: Information in parenthesis () indicates the source of the recommendation.
Information in square parenthesis [] indicates where the item was added to the 2019 ZOAWP*

1. **Basketball Standards** (Citizen) – Consider revising the location regulations for basketball standards to permit location within the minimum required side yard. **[This issue is addressed in the Consolidated Draft Use Regulations as part of zMOD]**
2. **Corner Lots** (Citizen) – Consider revising the yard designation and minimum setback requirements for single family corner lots. **[Priority 2 #20I]**
3. **Editorial and Minor Revisions**
 - A. BZA Decisions (Staff) – clarify that the decision of the BZA are final and are not subject to reconsideration. **[2019 ZOAWP #4C]**
 - B. Department Name Change (Staff) – changes the department name from Planning and Zoning to Planning and Development in the Zoning Ordinance, Noise Ordinance and other appropriate Code locations. **[2019 ZOAWP 4D]**
 - C. Enforcement Activities (Staff) – changes to Sect. 18-901, Violations, Infractions and Penalties to: 1) clarify that a notice of violation may include a warning that any applicable use permit will be revoked upon expiration of the applicable appeal and 2) clarify that the Zoning Administrator or her agent may seek an inspection warrant and that nothing in the Zoning Ordinance authorizes the unconstitutional inspection or search of the property without consent. **[2019 ZOAWP #4E]**
 - D. Enforcement Assistance (Staff) – Add the Department of Code Compliance to list of agencies that assist the Zoning Administrator in administration of the Zoning Ordinance **[Adopted 12/4/2018]**
 - E. SolSmart Community Designation (Staff) – Adds solar collection systems as a permitted accessory use to qualify the County for the SolSmart community designation. **[2019 ZOAWP #4F]**
4. **Fairfax Green Initiatives** (Board) – consider zoning changes that would incentivize and support more environmentally sustainable development. **[2019 ZOAWP #5]**
5. **Historic Overlay Districts** (Board) – Establish a Hollin Hills Historic Overlay District with associated design guidelines to preserve and protect its unique architecture, site design and status on the National Register of Historic Places. **[2019 ZOAWP #5B]**

6. **Regional Mall Parking Rates** (Board) – Review and analyze the parking rates for regional malls in excess of 800,000 square feet of gross floor area to determine an appropriate minimum parking requirement given the changing nature of retail. **(First Tier)**
7. **Short Term Lodging Status Update** (Board) – Provide status update on Short-Term Lodging permit program for homeowner/renter operated in dwellings. **[2019 ZOAWP Item #10A)**
8. **Wireless Facilities** (Staff) – Incorporate modifications that are required as the result of the adoption of the Zoning for Wireless Infrastructure Zoning Ordinance Amendment **[2019 ZOAWP #12]**, including:
 - A. Delete Sect. 2-520, Modifications to Existing Wireless Towers or Base Stations, and all references to Sect. 2-520;
 - B. Revise Sect. 2-514 to clarify that co-locations that are deemed eligible facilities requests for a modification of a wireless tower or base station that does not substantially change the physical dimensions of such tower or base station under Sect. 6409 of the Spectrum Act do not require any zoning permit and are not subject to Sect. 2-514;
 - C. Revise Sect. 18-106 to delete the Sect. 6409 determination fee and the fee computation note for DAS; and
 - D. Minor revisions or edits that may be necessary for clarification or consistency.

2019 STATUS UPDATE

FOR THE ADOPTED PRIORITY 2 ZONING ORDINANCE AMENDMENT WORK PROGRAM

The Following Abbreviations are used in this document:

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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TOPIC	SOURCE	zMOD*
<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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TOPIC	SOURCE	zMOD*
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.		
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	
HOUSING		
21. Consider the following revisions to the ADU program:		

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TOPIC	SOURCE	zMOD*
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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TOPIC	SOURCE	zMOD*
<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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TOPIC	SOURCE	zMOD*
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>		
41. Consider the following revisions to the Planned Development Districts: 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>	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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TOPIC	SOURCE	zMOD*
<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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TOPIC	SOURCE	zMOD*
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	✓