

# Zoning Ordinance Structure Options and Trends



**CLARION**

May 2018

Z M O D

# Today's discussion

- **Weakness of current Zoning Ordinance structure**
- **Examples from other jurisdictions**
- **Recommended Zoning Ordinance structure**
- **Zoning Ordinance trends**
- **Questions & discussion**



## Phase 1 (now)

- Improve format and structure of the Zoning Ordinance
- Categorize and modernize land use

| Phase 1 Tasks  | 2018 |  |  |  | 2019 |  |  |
|--|------|--|--|--|------|--|--|
| 1. Project Initiation                                  |      |  |  |  |      |  |  |
| 2. Initial Round of Public Outreach/Feedback           |      |  |  |  |      |  |  |
| 3. Determine the Revised Zoning Ordinance Structure    |      |  |  |  |      |  |  |
| 4. Update Land Uses                                    |      |  |  |  |      |  |  |
| 5. Modernize the Zoning Ordinance Structure and Format |      |  |  |  |      |  |  |
| 6. Outreach/Engagement                                 |      |  |  |  |      |  |  |
| 7. Adoption  |      |  |  |  |      |  |  |

**Phase 2 (later)** -- additional updates to the Zoning Ordinance

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# Fairfax County's Current Zoning Ordinance Structure



# Current Zoning Ordinance

## Articles

1. The Constitution of the Ordinance
2. General Regulations
3. Residential District Regulations
4. Commercial District Regulations
5. Industrial District Regulations
6. Planned Development District Regulations
7. Overlay District Regulations
8. Special Permits
9. Special Exceptions
10. Accessory Uses, Accessory Services Uses and Home Occupations
11. Off-Street Parking and Loading, Private Streets
12. Signs
13. Landscaping and Screening
14. Performance Standards
15. Nonconformities
16. Development Plans
17. Site Plans
18. Administration, Amendments, Violations and Penalties
19. Boards, Commissions, Committees
20. Ordinance Structure, Interpretations and Definitions

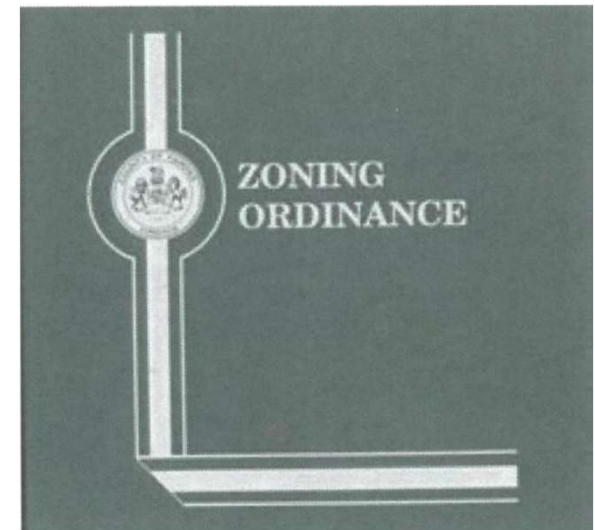
## Appendices

1. Historic Overlay Districts
2. Illustrations
3. Enabling Legislation
4. [Deleted by Amendment]
5. Fairfax County Board of Supervisors' Policy on Accessory Dwelling Units
6. [Deleted by Amendment]
7. Commercial Revitalization Districts
8. Listing of Roadways by Function Classification



## Weaknesses of the current structure

- Scattered and duplicative information
- Unnecessary length
- Not many graphics or tables
- Repetitive lists of land uses
- Challenging navigation due to separate PDF articles
- Poor formatting of headers, footers, and subheadings



# Examples from Other Jurisdictions



# Indianapolis, Indiana

- **General Provisions**
- **Subdivision Regulations**
- **Zone Districts**
- **Permitted Uses & Use-Specific Standards**
- **Development Standards**





# Indianapolis, Indiana

## Strengths

- Only 5 articles – easy navigation
- All district-related and all use-related information consolidated into single chapters
- All building/lot dimensional standards in one place
- Fairly graphic rich
- Easy to update as Microsoft Word document

## Weaknesses

- Structure could be viewed as over-simplified
- Lengthy (600 pages)

# Norfolk, Virginia

- **General Provisions**
- **Administration**
- **Zoning Districts**
- **Performance Standards**
- **Development Standards**
- **Nonconformities**
- **Enforcement**
- **Definitions and Rules of Measurement**
- **Legacy Development Approvals**



# Norfolk, Virginia

## Strengths

- Related information consolidated
- All development standards compiled into one article
- Good use of tables to summarize complex information
- MadCap Flare software program allows user-friendly format while allowing staff to update the document

<https://www.norfolk.gov/index.aspx?NID=3910>

## Weaknesses

- Not as graphic-rich as other ordinances
- Over 800 pages – due to page formatting with wide margins

# Philadelphia, Pennsylvania

- **General Provisions**
- **Definitions**
- **Administration and Procedures**
- **Base Zoning Districts**
- **Overlay Zoning Districts**
- **Use Regulations**
- **Development Standards**
- **Parking and Loading**
- **Signs**
- **Historic Preservation**



# Philadelphia, Pennsylvania

## **Strengths**

- 400 pages
- Nonconformities and enforcement grouped with other procedures
- Parking and sign controls in separate chapter because they are often relevant to projects that change land uses without significant redevelopment
- Helpful summary tables: procedures, dimensional requirements, uses
- Very graphic-rich
- Good use of flowcharts to describe procedural steps

## **Weaknesses**

- Definitions located at the beginning of the document



# Prince George's County, Maryland

- **General Provisions**
- **Definitions and Interpretation**
- **Administration**
- **Zones and Zone Regulations**
- **Permitted Use Regulations**
- **Development Standards**
- **Nonconformities**
- **Enforcement**
- **Activity Center Boundaries**

+ Plus separate subdivision regulations



# Prince George's County, Maryland

## **Strengths**

- All development standards in one article
- Helpful flowcharts and summary tables

## **Weaknesses**

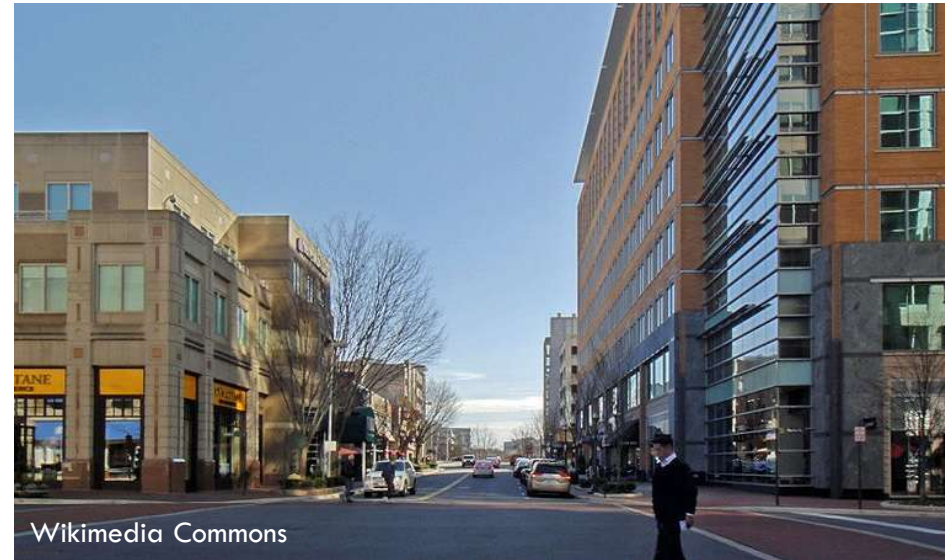
- Nonconformities and enforcement separated from other procedures
- Not as graphic rich as some other examples
- Zoning and subdivision split into different documents
- Zoning ordinance is over 600 pages

# Currently Proposed Structure for Fairfax County



# Currently proposed structure for Fairfax County\*

- 1. General Provisions**
- 2. Zoning Districts**
- 3. Overlay Districts**
- 4. Use Regulations**
- 5. Development Standards**
- 6. Parking and Loading Standards**
- 7. Sign Standards**
- 8. Procedures and Enforcement**
- 9. Definitions**



\*This structure may change if a more logical structure is identified through the process

# Currently proposed structure for Fairfax County\*

## 1. General Provisions

- Authority
- Applicability
- Grandfathering
- Severability
- Enabling legislation

## 2. Zoning Districts

For each of the existing zoning districts:

- Purpose statement
- Summary of key dimensional standards
- Standards unique to that district
- Cross-references to use regulations and other Zoning Ordinance standards

## 3. Overlay Districts

- Historic
- Natural Resources
- Airport Noise
- Water Supply Protection
- Commercial Revitalization

## 4. Use Regulations

- Land use tables summarizing permitted, Special Exception, and Special Permit uses; where and how they are permitted
- Land use tables for accessory and temporary uses
- Use-specific standards
- Highway Corridor Overlay

\*This structure may change if a more logical structure is identified through the process



# Currently proposed structure for Fairfax County\*

## 5. Development Standards

- Lot and building dimensions
- Landscaping
- Lighting
- Floodplains
- Affordable Housing
- Vibration

## 6. Parking and Loading Standards

- Parking and loading amount standards
- Parking and loading design requirements

## 7. Sign Standards

- Sign regulations
- Sign Control Overlay District standards

## 8. Procedures and Enforcement

- Review and decision-making bodies
- Summary table of Zoning Ordinance procedures for review and approval of proposed development
- Procedures
- Summary table of submission requirements
- Application-specific review and approval procedures
- Nonconformities
- Enforcement, violations, and penalties

## 9. Definitions

- Definitions of terms

\*This structure may change if a more logical structure is identified through the process

# Land use regulations: land use table

Uses would be organized in single land use table summarizing permitted, Special Exception, and Special Permit uses, and a separate table for accessory and temporary uses, with consolidations and updates, as appropriate

| <b>Table 3.2-1</b>         |  | <b>EXAMPLE</b> |     |     |     |     |      |           |       |      |             |         |        |                 | P = Permitted       |      |    | T = Temporary use                                      |                       |     |     |         |
|----------------------------|--|----------------|-----|-----|-----|-----|------|-----------|-------|------|-------------|---------|--------|-----------------|---------------------|------|----|--|-----------------------|-----|-----|---------|
| <b>Permitted Use Table</b> |  |                |     |     |     |     |      |           |       |      |             |         |        |                 | C = Conditional use |      |    | V = Permitted if structure vacant for 10 years or more |                       |     |     |         |
|                            |  | RESIDENTIAL    |     |     |     |     |      | MIXED-USE |       |      |             |         |        | NON-RESIDENTIAL |                     |      |    |  | USE SPECIFIC STANDARD |     |     |         |
| ZONE DISTRICT              | Land Use                                     | R-R            | R-1 | R-2 | R-3 | R-4 | R-MH | MU-N      | MU-OI | MU-C | MU-OA       |         | MU-TOD |                 | MU-R                | MU-A | AD | APZ  | I-1                   | I-2 | POS |         |
|                            |  |                |     |     |     |     |      |           |       |      | Main Street | General | Core   | Edge            |                     |      |    |  |                       |     |     |         |
| <b>RESIDENTIAL USES</b>    |  |                |     |     |     |     |      |           |       |      |             |         |        |                 |                     |      |    |  |                       |     |     | 3.3.2.A |
| <b>Household Living</b>    |  |                |     |     |     |     |      |           |       |      |             |         |        |                 |                     |      |    |  |                       |     |     |         |
|                            | Dwelling, multifamily                        |                |     | P   | P   | P   |      | P         | P     | P    | P           | P       | P      | P               | P                   | P    |    |  |                       |     |     | 3.3.2.F |
|                            | Dwelling, single-family attached (townhouse) |                |     | P   | P   | P   |      | P         |       | P    | P           | P       | P      | P               | P                   | P    |    |  |                       |     |     | 3.3.2.G |
|                            | Dwelling, single-family detached             | P              | P   | P   | P   | P   |      |           |       | P    | P           | P       |        |                 | P                   |      |    |  |                       |     |     | 3.3.2.H |
|                            | Dwelling, two-family (duplex)                |                | C   | P   | P   | P   |      |           |       |      |             |         | P      | P               | P                   | C    |    |  |                       |     |     | 3.3.2.I |
|                            | Manufactured housing                         | P              | P   | P   |     |     | P    |           |       |      |             |         |        |                 |                     |      |    |  |                       |     |     | 3.3.2.J |
| <b>Group Living</b>        |  |                |     |     |     |     |      |           |       |      |             |         |        |                 |                     |      |    |  |                       |     |     |         |
|                            | Congregate living facility                   |                |     |     |     |     |      | C         | C     |      |             |         |        |                 |                     |      |    |  |                       |     |     |         |
|                            | Continuing care retirement facility          |                |     | P   | P   | P   |      | P         | P     | P    | P           | P       | P      | P               | P                   | P    |    |  |                       |     |     | 3.3.2.K |
|                            | Dormitory, fraternity, or sorority house     |                |     |     |     | P   |      | P         |       |      |             |         |        |                 | P                   | P    |    |  |                       |     |     |         |

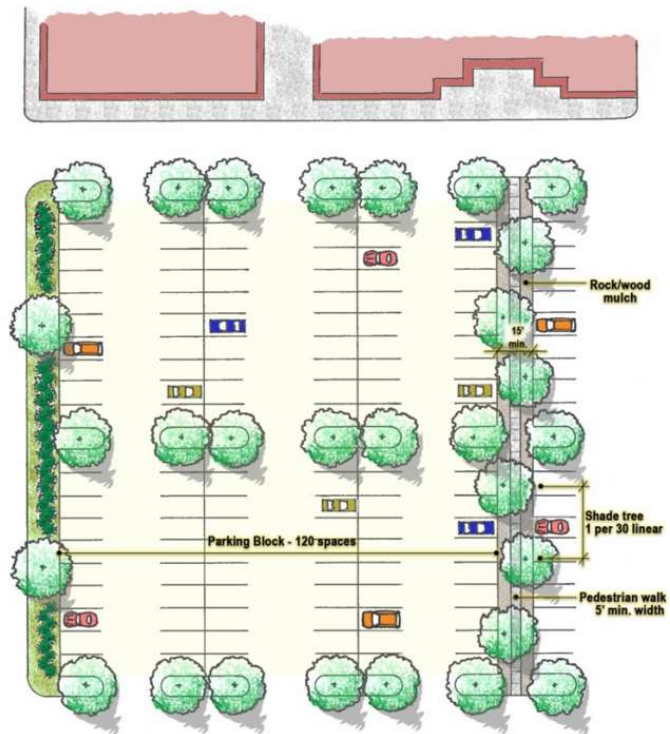
# Land use regulations: use-specific standards

- Standards applicable to permitted, Special Permit and Special Exception uses
  - Based on content from several sections of current ordinance
  - With modifications - zMOD process
- Standards for accessory uses
  - Based on content from Article 10 of current ordinance
  - Plus use limitations from various zoning districts
  - With modifications approved - zMOD process



# Development standards

- Lot and Building Dimensional Standards
- Landscaping and Screening
- Lighting
- Floodplains
- Affordable Housing



# Dimensional standards table

- Including lots and buildings dimensions, required open space, and area-specific standards and exceptions

| <b>TABLE 3-6</b>   |           | <b>EXAMPLE</b> |           |            |            |
|--|-----------|----------------|-----------|------------|------------|
| <b>SUMMARY OF COMMERCIAL/MIXED-USE DIMENSIONAL STANDARDS</b> |           |                |           |            |            |
|  | <b>GW</b> | <b>CO</b>      | <b>LI</b> | <b>CC</b>  | <b>MU</b>  |
| <b>PROJECT STANDARDS</b>                                     |           |                |           |            |            |
| Maximum density  | 16 du/ac  |                |           | 16 du/ac   | 14 du/ac   |
| Maximum Floor Area Ratio (FAR)                               |           | 1.0            |           |            |            |
| <b>LOT STANDARDS</b>   |           |                |           |            |            |
| Minimum lot area   | none      | none           | 10,500 sf | 3,500 sf   | none       |
| Minimum lot frontage   | none      | none           | 50 ft.    | none       | none       |
| Maximum lot coverage   | 60%       |                |           | 70% [1]    | 60%        |
| Minimum open space   |           |                |           |            | 10% of GFA |
| <b>SETBACKS</b>  |           |                |           |            |            |
| Front yard setback (minimum)                                 | 20 ft.    | 15 ft.         | 15 ft.    | 10 ft. [1] | 20 ft.     |



## Benefits of the currently proposed structure

- Consolidates 27 different articles and appendices into 9 articles covering broader topics to make the ordinance easier to use, navigate, and maintain
- Maintains most overlay districts in a separate article to highlight key areas where additional standards apply
- Locates all use-specific standards into one article to improve user-friendliness
- Keeps parking standards and sign regulations separate from other development standards, because they often apply to changes of use even if significant redevelopment is not occurring

## Benefits of the currently proposed structure (cont.)

- Consolidates tables to reduce repetition and the unintentional inconsistencies that arise over time
- Consolidates all other development standards, such as development intensity, landscaping, lighting, floodplains, and affordable housing
- Integrates relevant information from appendices into the ordinance
- Revised structure to make it more intuitive and easier to find frequently used information
- Groups topics to promote more consistent amendments

## Changes will be noted

- All changes made to the Zoning Ordinance will be noted in extensive footnotes
- All existing Zoning Ordinance information that is carried forward can be located easily in the new structure
- Materials that are deleted as repetitive will also be noted in footnotes

# Questions & Discussion



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# Zoning Trends Generally



# The BIG picture

**When communities update their documents, they often strive for:**

1. Closer alignment with the Comprehensive Plan
2. Simpler structure
3. Broader use categories
4. More and better graphics
5. Online / interactive document



# More graphics (examples)

**Table 030.1: Table of Allowed Uses**  
P = permitted by right S = special use permit required Blank = use prohibited

| Use Category            | Use Type                             | Proposed Districts → |    |        |        |    |    |    |    |          |    |    |    |    | Use-Specific Standards | Required Parking <sup>160</sup> |                           |  |
|-------------------------|--------------------------------------|----------------------|----|--------|--------|----|----|----|----|----------|----|----|----|----|------------------------|---------------------------------|---------------------------|--|
|                         |                                      | RR                   | RL | RM1    | RM2    | RH | RT | M1 | M2 | M3 (NEW) | CO | RE | IL | I2 |                        |                                 | IN (NEW)                  | HP   |
| <b>Residential Uses</b> |                                      |                      |    |        |        |    |    |    |    |          |    |    |    |    |                        |                                 |                           |  |
| Household Living        | Dwelling, live-work (new)            |                      |    |        |        | P  | P  | P  | P  | P        | P  | P  | P  | P  |                        |                                 | 070.030.030(c)(2)         | 1 per dwelling unit  |
|                         | Dwelling, multifamily <sup>161</sup> |                      |    |        | P      | P  | P  | P  | P  | P        | P  | P  |    |    |                        |                                 | 070.030.030(c)(1)         | 2 per dwelling unit, plus 1 guest space per each 5 dwelling units <sup>162</sup> |
|                         | Dwelling, townhouse <sup>163</sup>   |                      |    |        | S<br>P | P  | P  | P  | P  | P        | P  | P  |    |    | S                      |                                 | 070.030.030(c)(1)         | 1.5 per dwelling unit, plus 1 guest space per each 5 dwelling units              |
|                         | Dwelling, single-family detached     | P                    | P  | P      | P      | P  | P  | P  | P  | P        | P  | P  |    |    | S                      |                                 | 070.030.030(c)(1)         | 1 per dwelling unit  |
|                         | Dwelling, two-family <sup>164</sup>  |                      | S  | S<br>P | P      | P  | P  | P  | P  | P        | P  |    |    |    | S                      |                                 | 070.030.030(c)(1)         | 1.5 per dwelling unit  |
|                         | Mobile home park                     |                      |    |        |        | S  | S  | S  |    |          | P  |    |    |    |                        |                                 | 070.030.030(c)(3)         | 1 per dwelling unit  |
| Group Living            | Accessory dwelling unit              | P                    | P  | P      | P      | P  | P  | P  | P  | P        | P  |    |    | S  |                        | 070.030.040(d)(1)               | 1 per unit <sup>165</sup> |  |
|                         | Convalescent or nursing home         |                      |    |        |        |    |    | P  | P  | P        | P  |    |    | P  |                        |                                 | 1 per 3 beds              |  |

## 2.13. M3: Mixed-Use Activity Center<sup>37</sup>

### A. Purpose

The M3 district is established to provide for pedestrian-friendly areas of medium- to higher-density residential development and compatible nonresidential uses such as offices, supporting commercial and service uses, other civic and community uses, and incidental or accessory uses. Development shall be at a walkable scale that is compatible with surrounding residential neighborhoods. The district is intended to allow for a greater vertical and/or horizontal mix of uses and is appropriate near primary and secondary activity centers.

### B. M3 Lot and Building Standards

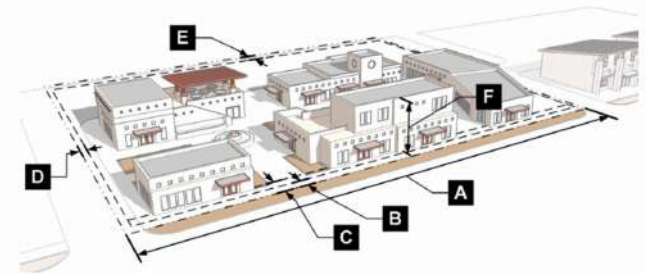
| Lot Standards (minimum)                   |                             |
|---|-----------------------------|
| <b>A</b> Width (measured at lot frontage) | 25 feet                     |
| Area                                      | 5,000 sq. ft. <sup>18</sup> |
| Setbacks                                  |                             |
| <b>B</b> Front, minimum                   | 5 feet                      |
| <b>C</b> Front, maximum <sup>19</sup>     | 10 feet                     |
| <b>D</b> Side, minimum                    | 3 feet                      |
| <b>E</b> Rear, minimum                    | 10 feet                     |
| Height (maximum)                          |                             |
| <b>F</b> Building height                  | 25 ft. (See Sec. 2.23)      |
| Impervious Coverage (maximum)             |                             |
| Building coverage                         | 75 percent                  |
| Total coverage                            | 90 percent                  |

### C. Other Standards

| Other Standards             | Location in LDC |
|-----------------------------|-----------------|
| Measurements and Exceptions | Section 2.23    |
| Use Regulations             | Article 3       |
| Neighborhood Protection     | Section --      |
| Off-Street Parking          | Section --      |
| Building Design             | Section --      |
| Landscaping                 | Section --      |

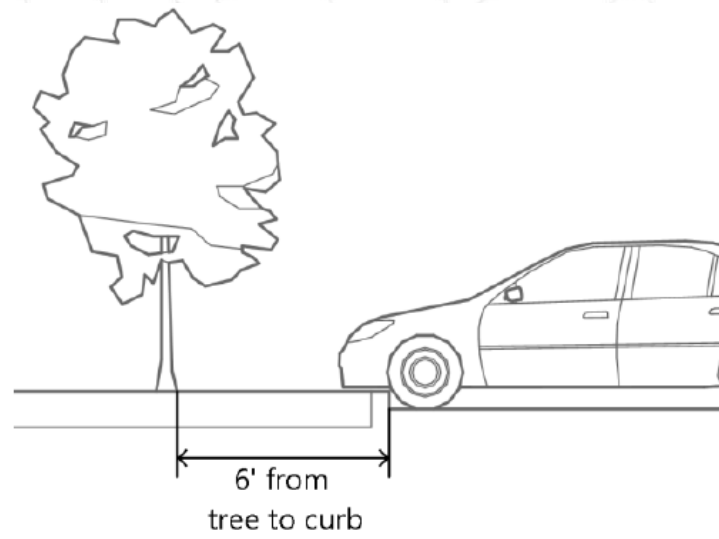
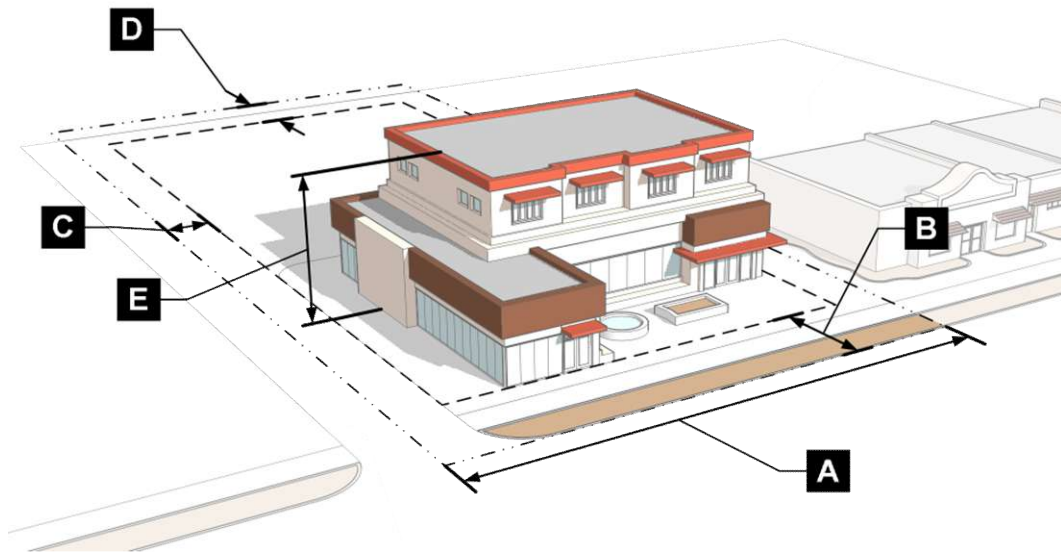
#### Notes:

**Sedona Community Plan says...**  
Ensure that a balance of land uses is maintained and identify areas for concentrated, mixed-use development, public gathering places, and land use transitions to provide healthy and sustainable residential neighborhoods and commercial areas and to address specific area needs. (p.53)





# More graphics (examples)



# Online access



# Zoning Trends for Land Uses



# Zoning trends for land uses

1. Defining broader and more flexible land uses
2. Addressing a mixed of uses
3. Addressing new uses
4. Continuing to focus on neighborhood compatibility

All proposed changes in use definitions, and where they are allowed as permitted, Special Exception, or Special Permit uses, will be footnoted and subject to citizen outreach and engagement

## Defining broader/more flexible land uses

- The market will think up new uses faster than a community can add them to the Zoning Ordinance
- Broader uses allow for more streamlined decision-making
- Broader uses allow a “yes” to uses with similar impacts, without having to list each use



# Defining broader/more flexible land uses

## A better structure:

Use category

- example – **commercial**

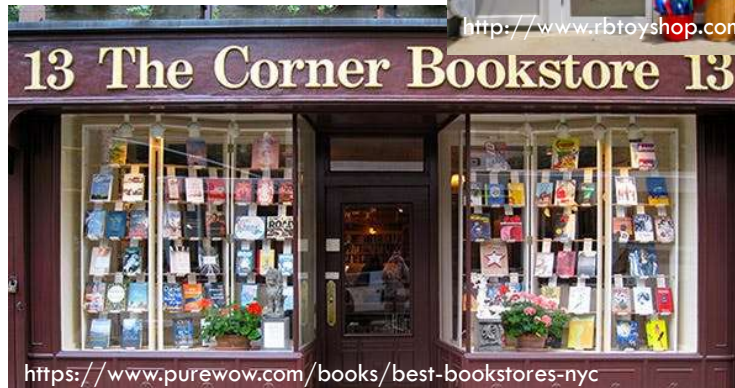
Use subcategory

- example – **retail uses**

Use type

- example – **retail sales small**

**NOTE:** Many new ordinances focus on the scale of the use in order to improve the fit with different types of neighborhoods.



# Trends in addressing mixes of uses

- Striving to improve walkability and reduce vehicle miles travelled
- Responding to synergy created by mixing uses
- Clarifying the intended predominant character of mixed use areas (e.g., residential vs. commercial)





# Addressing new uses

- New uses often have unique impacts (think electric vehicle charging stations)
- Important to be proactive and send accurate signals to the market as to what new uses are now allowed



# Current Zoning Ordinance Amendments

## Approved amendments:

- Restaurants

## In-process amendments:

- Short term lodging
- Farmers markets and community gardens / Agritourism
- Small-scale production and manufacturing in commercial districts
- Continuing care for aging residents

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# Addressing new uses – examples

- Housing
- Accessory uses
- Food & beverage
- Entertainment & events
- Institutional uses
- Others





# Questions & Discussion



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