



Reston Land Use College

*Understanding
Fairfax County Zoning and
Reston's Zoning
September 29, 2009*

Welcome



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Planning Division,
Department of Planning and Zoning (DPZ)



Speakers

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**Deputy Zoning Administrator
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Overview

- **Understanding the Zoning Ordinance**
- **Planned Residential Community (PRC) Zoning**
- **Understanding the Review Process for Different Types of Zoning Cases**

What is Zoning?



- **Set of Regulations intended to**
 - **Promote health, safety and general welfare of the public and**
 - **Implement the Comprehensive Plan of the jurisdiction**
- **Provides for establishment of zoning districts to allocate land uses to ensure orderly development**
- **Provides regulations governing uses and structures within zoning districts**



What is the Authority for Zoning?

- **State Legislative Power Delegated to the Local Jurisdictions**
- **Enabling Authority to allow localities to adopt and administer Zoning Ordinance**
 - **Title 15.2, Chapter 22 Planning, Subdivision of Land and Zoning, Code of Virginia**
- **Fairfax County Zoning Ordinance is Chapter 112 of the County Code**



Fairfax County Zoning Ordinance

- **Applicable to All Land and Structures in Unincorporated Area of County**
- **Towns (Herndon, Vienna, Clifton) and Cities (Fairfax, Falls Church) are Incorporated**
 - **Have own Zoning Ordinances**
- **Organized into 20 Articles**
- **Four (4) types of Regulations**



Fairfax County Zoning Ordinance

FOUR TYPES OF REGULATIONS

- **Districts**
- **General**
- **Functional**
- **Administration**



Fairfax County Zoning Ordinance

DISTRICT REGULATIONS

- Residential 15 Districts
- Commercial 9 Districts
- Industrial 7 Districts
- Planned Development 4 Districts
- Overlay Districts:
 - Historic, Sign Control, Highway Corridor and Commercial Revitalization**

Fairfax County Zoning Ordinance

GENERAL REGULATIONS

- **Broad Application Across Districts**
 - Qualifies yard, lot, use and structure regulations
 - Land Regulations – Open Space, Flood Plain, Drainage, etc
 - Affordable Dwelling Units (ADUs)
- **Definitions**
- **Performance Standards**



Fairfax County Zoning Ordinance

FUNCTIONAL REGULATIONS

- **Applicability Across Districts**
- **Includes regulations for:**
 - Parking**
 - Transitional Screening and Barriers**
 - Signs**
 - Accessory Uses and Home Occupations**



Fairfax County Zoning Ordinance

ADMINISTRATION

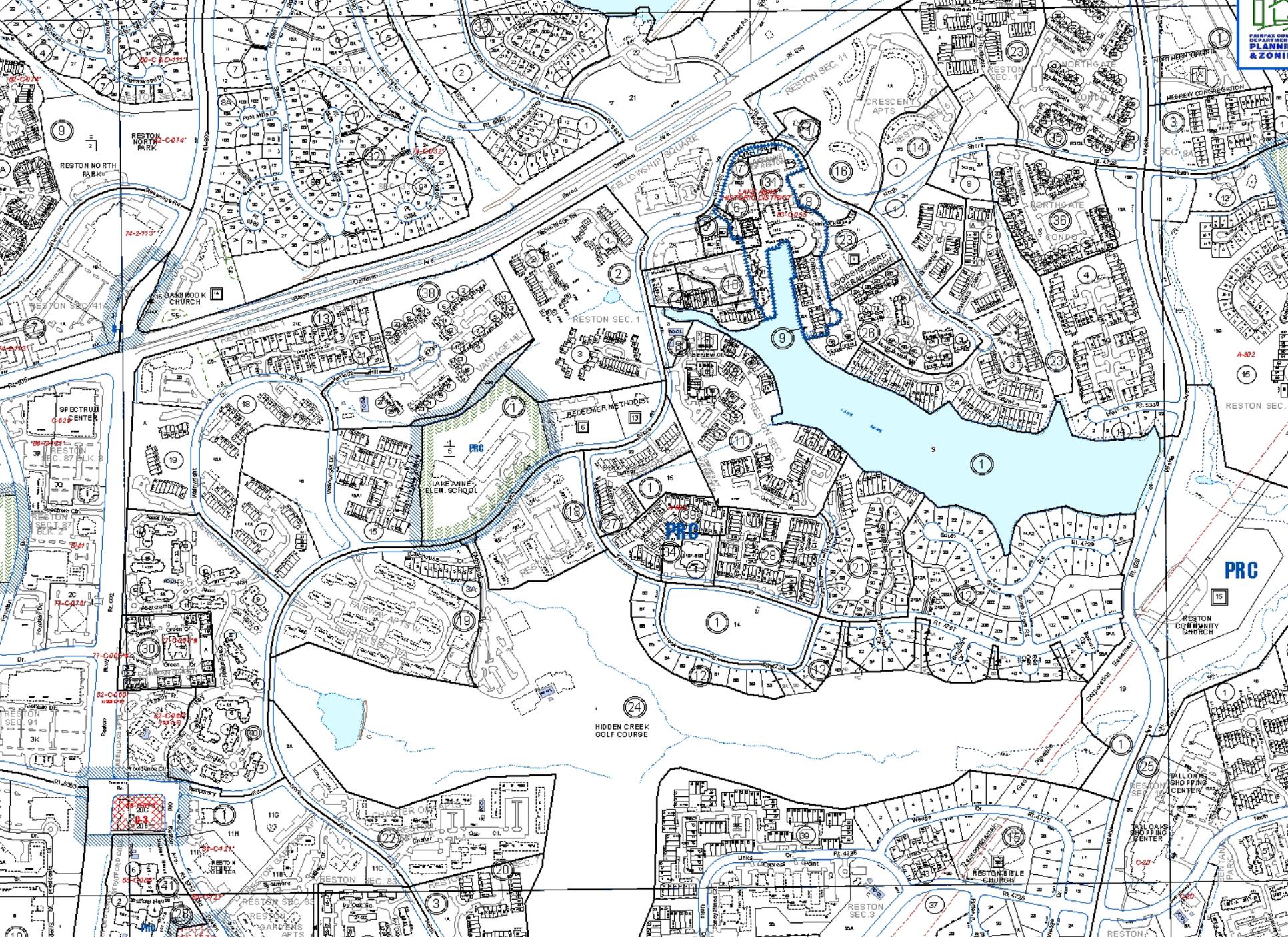
- Interpretations, Amendments, etc.
- Rezoning Process
- Special Permit/Special Exception Process
- Variances
- Site Plans, Building Permits, RUPs and Non-RUPS
- Enforcement
- Nonconformities

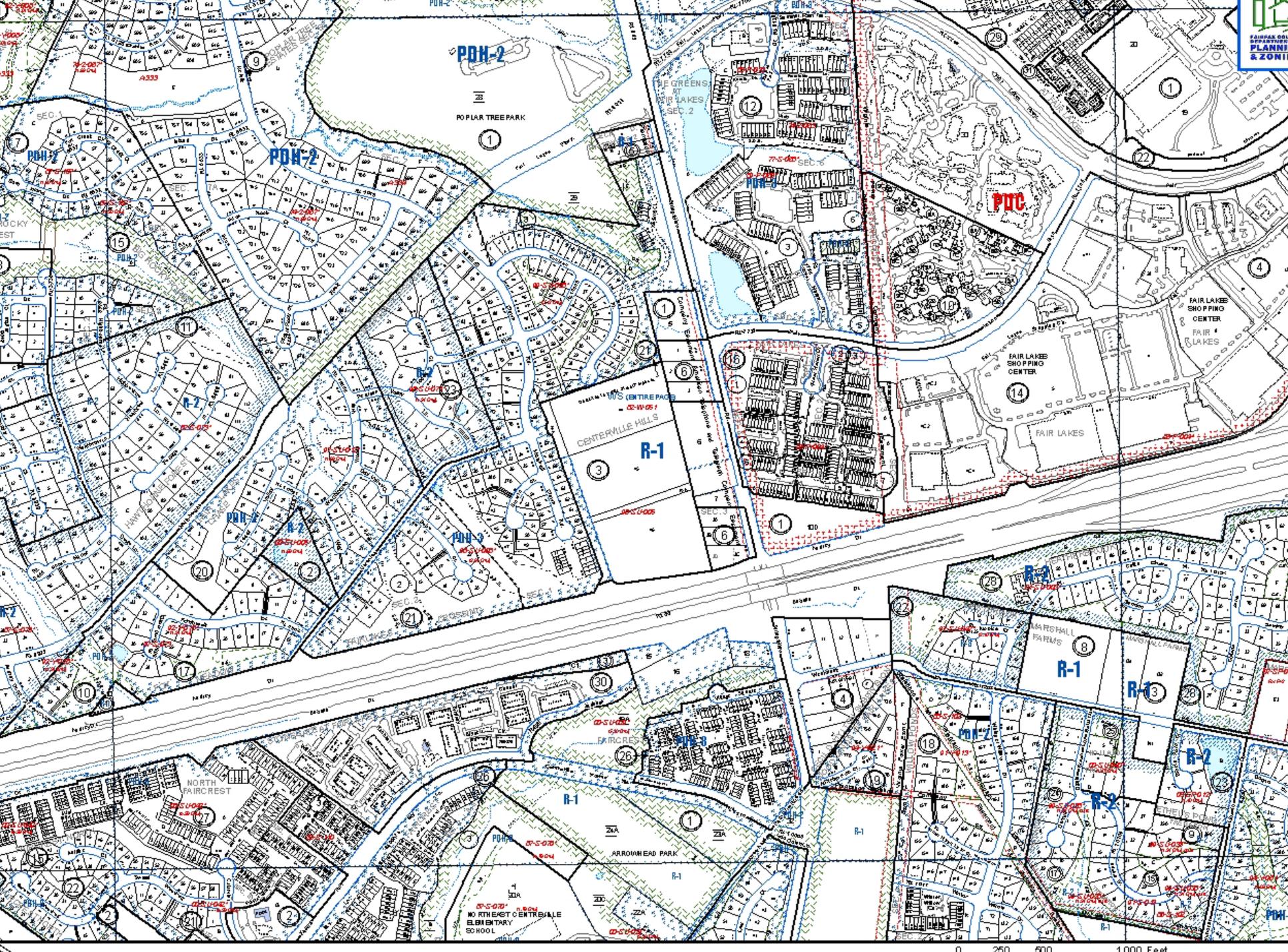


Fairfax County Zoning Ordinance

ZONING MAP

- **Adopted by Board of Supervisors**
- **Part of Zoning Ordinance**
- **Location, Designation & Boundaries of All Zoning Districts**
- **Map is Amended by Rezoning Approval**
- **Section Sheets show Lots, Subdivisions, Rezoning #s, etc.**







Fairfax County Zoning Ordinance

AMENDMENTS

- **Trends, Problems, New Issues Prompt Need for an Amendment**
- **Authorized by Board of Supervisors**
- **Public Hearings**
 - Planning Commission**
 - Board of Supervisors**
- **Board of Supervisors Adopts**
- **May Include Grandfather provisions**



Fairfax County Zoning Ordinance

USES

- **Set Forth in Districts and Allowed By:**
 - By Right**
 - Special Permit**
 - Special Exception**



Fairfax County Zoning Ordinance

BY-RIGHT USES

- **No Special Zoning Approval Required**
- **Must Comply with District Regulations**
 - **Setbacks**
 - **FAR**
 - **Use Limitations**



Fairfax County Zoning Ordinance

BY-RIGHT USES

- **Also Comply with Functional Regulations**
 - Site Plan**
 - Building Permit**
 - Non-RUP**

Fairfax County Zoning Ordinance

SPECIAL PERMIT USES

- **Uses not Permitted in a Particular District by Right**
 - Places of Worship
 - Accessory Dwelling Units
 - Home Professional Offices
- **Submittal of Detailed Application**



Fairfax County Zoning Ordinance

SPECIAL PERMIT USES

- **Public Hearing before Board of Zoning Appeals (BZA)**
- **BZA may impose Conditions**
- **May have Limited Term**

Fairfax County Zoning Ordinance

SPECIAL EXCEPTION USES

- **Level of Impact Requires Detailed Review**
 - service stations
 - child care centers
 - private schools
 - medical care facilities
 - certain public utility uses
- **Submit Detailed Application**



Fairfax County Zoning Ordinance

SPECIAL EXCEPTION USES

- **2 Public Hearings:**
 - **Planning Commission**
 - **Board of Supervisors**
- **Conditions**
- **Limited Term**

Fairfax County Zoning Ordinance



Conventional vs. Planned Development Districts



Fairfax County Zoning Ordinance

Conventional

- Uses allowed by right, special permit/special exception
- Use Limitations
- Specific Lot Size Req. Area and Width
- Specific Bulk Regulations Height, Minimum Yards
- Maximum Density
du/ac – residential
FAR – non-residential

P-Districts

- More Flexibility
- Development in Accordance with Approved Development Plan Principal and Secondary Uses
- Special Exception/Special Permit Uses
- Use Limitations
- No specific Lot size requirements



Fairfax County Zoning Ordinance

Conventional

- Minimum Open Space
- Additional Regulations

Examples:

R-4 Residential District 4
du/ac

C-3 Office District

C-5 Neighborhood Retail
Commercial

I-4 Medium Intensity
Industrial

P-District

- Bulk Regulations controlled by Design Standards in Article 16

Examples:

PDH – Planned Dev.
Housing

PDC – Planned Dev
Commercial

PRM – Planned
Residential Mixed Use

PRC – Planned
Residential Community



Fairfax County Zoning Ordinance

What is the PRC District?

- **Established in 1962 to guide development of then new planned community of Reston**
- **Minimum district size of 750 acres**
- **Initial development under single ownership or control of Master Developer**



Fairfax County Zoning Ordinance

What is the PRC District?

- **Can only be established in areas designated for a planned residential community in adopted Comprehensive Plan**
- **Historically, Master Plan for Reston was created by developer and included recommendations on land uses, transportation improvements and community/ public facilities**



Fairfax County Zoning Ordinance

What is the PRC District?

- **Master Plan incorporated into County's Comprehensive Plan and used as guide for development**
- **Rezoning applications and associated development plans were then approved by Board in accordance with the provisions of the District regulations**



Fairfax County Zoning Ordinance

What is the PRC District?

- **Not likely that additional PRC Districts will be established**
 - **Unlikely to assemble 750 acres**
 - **Other zoning districts have been established (PDH, PDC and PRM) that can accommodate smaller mixed use developments**
- **Additional land area may be added to an established PRC District if represents a logical extension of the planned community under the adopted Comprehensive Plan**



Fairfax County Zoning Ordinance

Purpose and Intent of the PRC District

To provide flexibility and incentive for the development of a community that demonstrates excellence in physical, social and economic planning, and provides an integration of land uses throughout the District.

PRC Purpose and Intent/Objectives



- 1. Balanced community**
- 2. Orderly and creative arrangement of land uses**
- 3. Integrated transportation system**
- 4. Culture, education, recreation & medical facilities**
- 5. Structures located to take advantage of natural environment**
- 6. Adequate and well-designed open space**
- 7. Staging of development to public utilities, facilities and services**



Fairfax County Zoning Ordinance

Specific PRC District Regulations

- **Outlines specific uses permitted in locations designated as Residential, Neighborhood Convenience Center, Village Center, Town Center and Convention/Conference Center when shown on an approved development plan**
- **Provides Use limitations**
- **Lot size requirements – Minimum District size of 750 acres; No minimum lot area or width for each use or building**



Fairfax County Zoning Ordinance

Specific PRC District Regulations

■ Bulk Regulations

- No max building height
- No minimum yard requirements except:
 - No single family detached dwelling may be located closer than 16 ft to another single family detached dwelling
 - Single family detached and attached units may not be located closer than 15 ft to any street line unless shown on approved PRC Plan
- No max FAR for non-residential buildings
- No specific open space requirements



Fairfax County Zoning Ordinance

Specific PRC District Regulations

■ Maximum Density

- Overall density shall not exceed 13 persons/acre of gross residential and associated commercial areas
 - Unique to PRC Districts
 - Residential Densities designated as low, medium and high with limits on persons/acre and du/ac

Understanding Development Review



***Types of Zoning Cases:
Rezoning, Special Exceptions,
Special Permits and Variances***

Development Review



- Land use and development in Fairfax County is governed by the Zoning Ordinance, the Comprehensive Plan, the Subdivision Ordinance (County Code), and the Public Facilities Manual

Rezoning Process



- **What is a rezoning?**
 - **The rezoning of land is one of the instruments by which a change in land use occurs.**
 - **It is also one of the primary means by which the county implements the Comprehensive Plan.**

Overview of Rezoning Process

■ Rezoning Process

Steps from the time an application is filed to the time of the Board of Supervisors Public Hearing:

- Application filed by Applicant**
- Application submissions are reviewed.**
 - **When all Zoning Ordinance submission requirements are met, the application is accepted and distributed to various county agencies.**
- Application is scheduled for a Planning Commission Public Hearing and is assigned to a staff coordinator.**

Overview of Rezoning Process



■ Rezoning Process continued

□ Prestaffing of application.

- Applicant will be contacted by staff about initial staff comments.

□ Revisions relating to prestaffing comments are submitted.

□ Staffing of application.

- Applicant contacted by staff about final staff comments.

□ Revisions relating to the staffing comments are submitted.

Overview of Rezoning Process



- **Rezoning Process continued**
 - **Final submission deadline (6 weeks prior to Planning Commission Public Hearing)**
 - **Staff report is published based on information received by this date**
 - **Notification to adjacent property owners**
 - **Sent to applicant 30 days prior to hearing**
 - **Notices mailed by Applicant postmarked at least 15 days prior to hearing**
 - **Staff report published (2 weeks prior to Public Hearing)**

Overview of Rezoning Process



- **Rezoning Process continued**
 - **Planning Commission Public Hearing.**
 - **Application is scheduled for Board Of Supervisors Public Hearing**
 - **Notification to adjacent property owners**
 - **Sent to Applicant 30 days prior to hearing**
 - **Notices mailed by Applicant postmarked at least 15 days prior to hearing**
 - **Board of Supervisors Public Hearing**

Proffers



- **What is a proffer?**
 - **Conditions voluntarily offered by the applicant during a rezoning process**

Special Permit Process



- **What is a Special Permit?**
 - **Given for certain uses which, by their nature or design, can have an undue impact upon or be incompatible with other uses of land.**
 - **These uses, described as Special Permit Uses in the Zoning Ordinance, may be allowed to locate within designated zoning district under the controls, limitations, & regulations of a Special Permit approved by the Board of Zoning Appeals (BZA).**

Special Permit Process



- **Process similar to rezoning process**
- **Some key differences**
 - **Length of time to process**
 - **From the time an application is filed to the time of the Board of Supervisors Public Hearing - 90 days**
 - **When all Zoning Ordinance submission requirements are met, applications are accepted (start of the 90 day process).**

Special Permit Process



- Different timeframe for notification to adjacent property owners
- Different final submission deadline
 - 5 weeks prior to Board of Zoning Appeals Public Hearing.
- Staff report published 1 week prior to public hearing.
- One public hearing - Board of Zoning Appeals
- **Life of Special Permit: 30 months from the date of approval**

Special Exception



- **What is a Special Exception Use?**
 - **A use which, by its nature or design, can have an undue impact or be incompatible with other uses of land.**
 - **These uses, described as Special Exception Uses in the Zoning Ordinance, may be allowed to locate within designated zoning districts under the controls, limitations, and regulations of a special exception approved by the Board of Supervisors.**

Special Exception Process



- **Process similar to Special Permit Process**
- **Applications have public hearings before Planning Commission and Board of Supervisors**
- **Life of Special Exception: 30 months from the date of approval**

Special Exceptions/Special Permits

- **Special Exceptions/Special Permits are governed by development conditions.**
- **Zoning Ordinance grants Board of Supervisors (BOS) and Board of Zoning Appeals authority to stipulate development conditions as needed in order to ensure that the use will be compatible with neighborhood in which it is proposed to be located.**

Variance

- **What is a variance?**
 - **An application to the Board of Zoning Appeals which seeks relief from a specific zoning regulation such as:**
 - **Lot width**
 - **Building height, or**
 - **Minimum yard requirements, among others**

Variance

- **A variance may only be granted by the Board of Zoning Appeals through the public hearing process and upon a finding by the BZA that the variance application meets the required Standards for a Variance set forth in Sect. 18-404 of the Zoning Ordinance.**

Variance Process



- **Similar to Special Permit Process**
- **Applications have public hearing before Board of Zoning Appeals**
- **No expiration of variance**

Understanding Development Review



Reviewing Development Proposals in Conventional Districts and P-Districts

Development Plans



■ What is a GDP?

- **DEVELOPMENT PLAN, GENERALIZED: A required submission at the time of filing for an amendment to the Zoning Map for all districts other than a P district, prepared and approved in accordance with the provisions of Sect. 18-203, which generally characterizes the proposed development of the subject lot.**

Development Plans



■ What is a FDP?

- **DEVELOPMENT PLAN, FINAL:** A required submission following the approval of a conceptual development plan and rezoning application for a P district other than a PRC District, prepared and approved in accordance with the provisions of Sect. 16-402, which further details the planned development of the subject lot. For the purpose of this Ordinance, a final development plan is not to be construed as a site plan as required by the provisions of Article 17.

Development Plans in the PRC



- **General / “Blob” plans**
 - Type of residential density
 - General land area

General/"Blob" Plan



Excerpt from DP A-502 dated August 10, 1962. Map prepared by DPZ October 2006.



0 200 400 600 Feet

Development Plans in the PRC



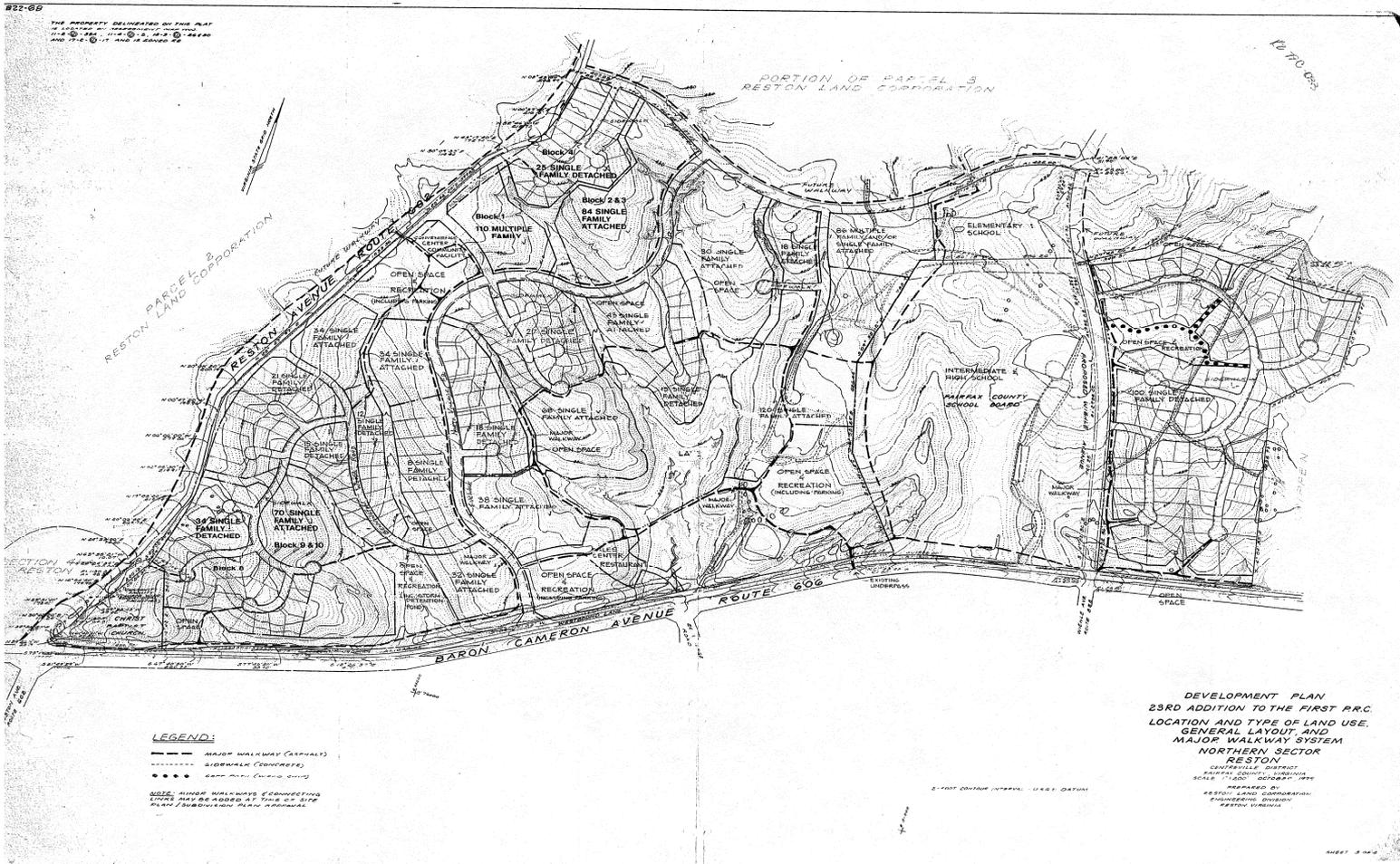
■ Specific plans

- Type of residential density
- More identifiers of subject land area
- Type of dwelling units
- Number of dwelling units
- Lot and street layouts

Specific Development Plan



FAIRFAX COUNTY
DEPARTMENT OF
PLANNING
& ZONING

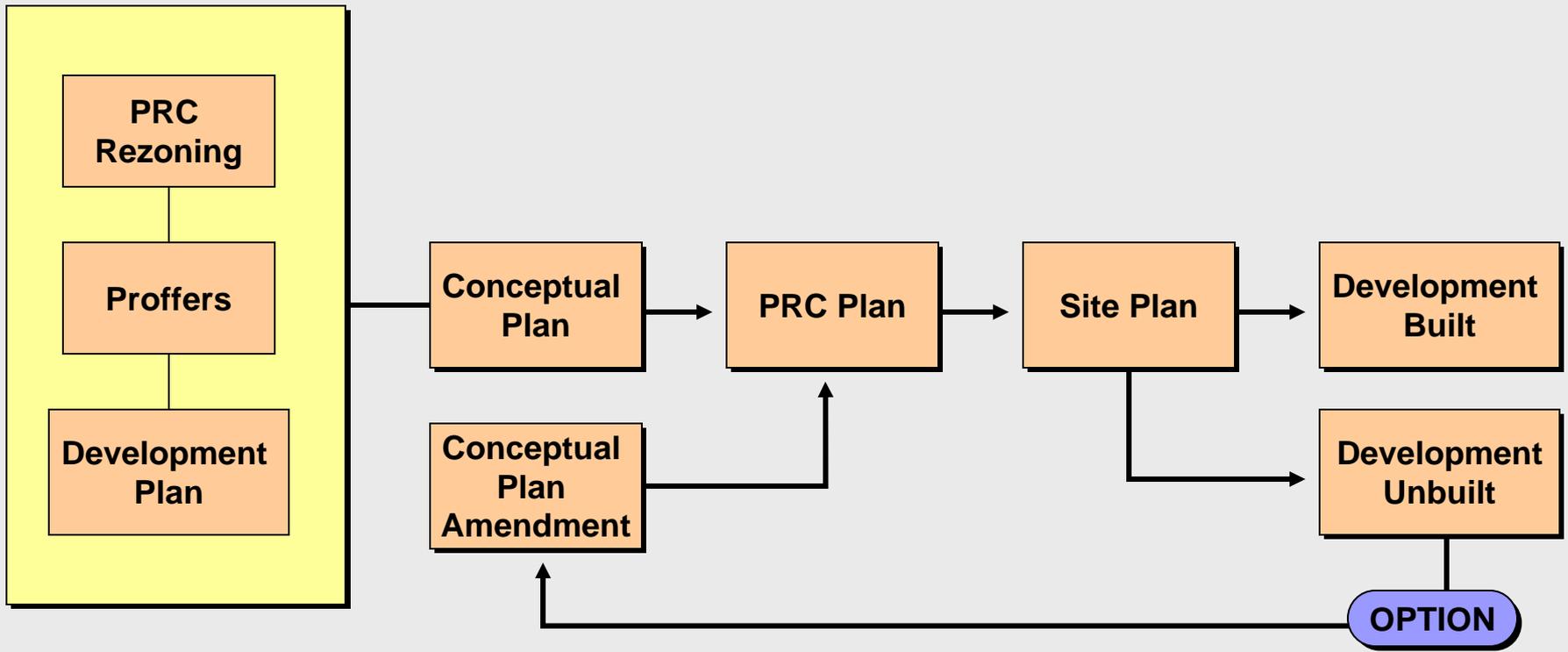


Conceptual Plans



- **Required only for select Town Center parcels**
- **Proffered at time of original rezoning to PRC district**
- **Provides intermediate level of detail**
- **Conceptual Plans are reviewed and approved by the Planning Commission**

PRC Conceptual Plan Process



Planned Residential Community (PRC) Plan



- **PRC Plans show more detail**
 - **Location of buildings**
 - **Units: Number & type**
 - **Gross floor area of non-residential uses**
 - **Architectural concepts**
 - **Height**
 - **Distance of structures to property lines**

PRC Plan



■ PRC Plans continued

- Open space
- Recreational facilities
- Traffic circulation, access, parking
- Trails, pedestrian circulation
- Stormwater management facilities
- Floodplains

PRC Plan: Review Standards



- Substantial conformance with the approved development plan
- Purpose and intent and the objectives of Sect. 6-301 of the Zoning Ordinance
- Design standards of Sect. 16-102 of the Zoning Ordinance

PRC Plan: Design Standards



- At peripheral boundaries, bulk, landscaping and screening requirements conform to most similar conventional zoning district of abutting property
- Street systems designed for convenient access to mass transit
- Coordinated trails and sidewalks to open space, recreation, public facilities, etc.

Questions



Reston Master Plan Study



- **Purpose of the Special Study: Change the Comprehensive Plan**
 - **Review existing recommendations**
 - **Ensure consistency with current Policy Plan guidance**
 - **Remove outdated recommendations**
 - **Add new recommendations**
 - **Examples: Reston Guiding Planning Principles, north part of Reston Town Center**

Reston Master Plan Study



- **Consider issues related to**
 - **Land Use**
 - **Transportation**
 - **Road network**
 - **Transit, pedestrian, bicycle**
 - **Connectivity/Accessibility**

Reston Master Plan Study



- **Consider issues related to**
 - Environment**
 - Housing**
 - Urban Design**
 - Parks and Recreation**
 - Public Facilities**

Reston Master Plan Study



■ Initiating the Special Study

- Appointment of Task Force – next 2-3 weeks
- Community dialogue about General Planning Principles – November
- Begin study of Dulles Corridor and Town Center – early 2010

Reston Master Plan Study



■ Community Input Opportunities

- Provide ideas to consider

- Website

- Engage in discussion/ hear others' ideas

- Public workshops

- Provide comments and feedback

- Public meetings

- Website

Reston Land Use College



■ Land Use College Materials on the Web

- Reston Master Plan Special Study Webpage
www.fairfaxcounty.gov/dpz/projects/reston.htm

Reston Land Use College



Thank you for attending!