

Proposed Zoning Ordinance Amendment Regarding the Planned Residential Mixed Use (PRM) District, Planned Commercial District (PDC), Commercial Revitalization Districts (CRD) and Other Changes

October 29, 2015

Introduction

Based on comments received regarding the August 21, 2015 draft of the referenced proposed Zoning Ordinance Amendment, staff has modified the proposal. The attached revised draft, dated October 29, 2015, is the current proposal for this amendment. At this time, this proposed Zoning Ordinance Amendment has not been scheduled for a public hearing. Written comments on this proposal can be submitted to ordadmin@fairfaxcounty.gov or to the Zoning Administration Division, 12055 Government Center Parkway, Suite 807, Fairfax, VA 22035. Additionally, staff has developed a website for this amendment where additional information will be provided regarding the status of this amendment, changes to the proposal and any other relevant information. The website can be found at www.fairfaxcounty.gov/dpz/zoning/pdc-prm-crdamendment.

Background

Over the past several years, as part of a varied array of initiatives to revitalize and encourage investment in the County's older commercial areas and to help support transit oriented development around existing and future Metro stations, the Board of Supervisors has adopted a number of changes to the comprehensive plan. These changes accommodate future development with varying levels of additional density/intensity within a more mixed use environment than what the then-current comprehensive plan recommendations would have permitted. Staff notes that since 2010 the Board has adopted comprehensive plan changes related to certain Transit Station Areas (TSAs) and Commercial Revitalization Districts (CRDs), Commercial Revitalization Areas (CRAs) and Community Business Centers (CBCs), collectively referred to in this document as Selective Areas. Such areas include Reston Transit Station Areas, as well as the Annandale, Baileys Crossroads and Seven Corners Community Business Centers.

Whereas, the comprehensive plan sets forth the goals and guidelines for future development throughout the county, the Zoning Ordinance provides the regulatory framework to achieve the comprehensive plan recommendations. Each zoning district identified in the Zoning Ordinance includes a list of permitted uses, density/intensity limits and other factors that establish land use regulations for any development proposal. In order to implement the goals and recommendations of the comprehensive plan, there has to be a zoning district that can accommodate the mix of uses, density/intensity recommendations, and other factors envisioned by the plan. Under the current provisions of the Zoning Ordinance, there are two zoning districts that are most suitable to accommodate such mixed-use, higher intensity developments recommended in the comprehensive plan: Planned Development Commercial (PDC) district and Planned Residential Mixed Use (PRM) District. It should be noted that nothing in this proposed amendment modifies or overrides the recommendations in the comprehensive plan. The most relevant provisions of the proposed amendment, which is to revise the PDC and PRM District regulations to increase FAR and include cellar space in gross floor area, have been on the Zoning

Ordinance Amendment Work Program (ZOAWP) since 2005 and 2007, respectively, originating in conjunction with a variety of planning efforts underway at that time and from the Planning Commission's recommendation regarding the potential land use impacts of cellar space.

As part of the ZOAWP review process, the specific amendments regarding the increase in FAR, inclusion of cellar space, and other changes have been previously discussed at the Planning Commission's Policy and Procedures Committee and the Board's Development Process Committee in the last several years, as well as with the Board's Community Revitalization and Reinvestment Committee. Additional outreach on the amendment has included a committee of representatives from the CRDs, Northern Virginia Builders Association (NVBIA), National Association of Office and Industrial Parks (NAIOP) and the Fairfax Federation of Citizen Associations, among others. Comments received from these outreach efforts have been incorporated into this revised draft of the amendment.

Proposed Amendment

Listed below is a summary of the major changes proposed in this amendment. A copy of the revised text is set forth as Attachment 1.

Increased Maximum FAR: In the PDC District, the amendment will delete the maximum Floor Area Ratio (FAR) of 1.5 along with the existing enumerated criteria that allows an increase up to a maximum FAR of 2.5. The maximum FAR in the PDC District is solely proposed at 2.5. The amendment will also add a provision for both the PDC and PRM Districts to allow a maximum FAR of 5.0, but only when the property is located in a Selective Area and only when such FAR increase is implementing the intensity/density recommendations of the adopted comprehensive plan. Outside of Selective Areas, the maximum FAR in the PRM remains at 3.0 and will be 2.5 in the PDC District. The amendment will be advertised to allow the Board to consider any maximum FAR up to 5.5 FAR and adopt a different FAR for subgroups of Selective Areas. For example, the Board could adopt a maximum 5.0 FAR for TSAs and a 4.5 FAR for CBCs/CRDs/CRA's.

Staff's recommendation for 5.0 FAR is specifically based on the increased intensity levels that have been adopted for certain geographic areas within the Selective Areas. Staff also believes the 5.0 maximum FAR recommendation will accommodate the current development intensity scenarios envisioned by existing comprehensive plan recommendations, but will also accommodate any future comprehensive plan changes that would specify up to a 5.0 FAR for a specific geographic area. For example, certain areas of the Reston TSAs are currently planned for up to 3.5 FAR, allowing up to 4.5 FAR if certain features are included with the application. At this time, there is no zoning district available to achieve a 4.5 FAR (outside of the Tysons PTC District.) There are also certain areas of the county where the comprehensive plan recommends the implementation of form based development where emphasis is placed on achieving a specific urban form. In these circumstances, there is no comprehensive plan recommendation for a maximum FAR; rather, the development intensity is shaped in part by controlling the physical characteristics of the development, such as maximum building height, maximum number of stories for a building, building setback recommendations, open space recommendations and other factors that specifically describe the physical form of the anticipated

development. Staff believes the actual FAR of such form-based development in certain areas could potentially exceed the current maximum of 2.5 in PDC or 3.0 in PRM, but there is no way to know the actual FAR until there is an application for a specific development on a specific parcel.

Concern has been expressed that the establishment of a 5.0 FAR (or other limit, as determined by the Board) would have the effect of allowing any applicant to achieve that limit, regardless of the recommendation of the comprehensive plan. Staff notes that when rezoning to a P District, such as the PDC and PRM Districts, Article 16 of the Zoning Ordinance, Standards for All Planned Developments, specifically states that the “planned development shall substantially conform to the adopted comprehensive plan with respect to type, character, intensity of use and public facilities” and “shall not exceed the density or intensity permitted by the adopted comprehensive plan, except as expressly permitted under the applicable density or intensity bonus provisions.” These provisions clearly establish the relationship between the recommendations of the comprehensive plan and the Zoning Ordinance regulations with regard to FAR.

Staff clearly recognizes that a 5.0 FAR is not appropriate for all properties that happen to be located in one of the Selective Areas and this proposed change does not entitle each property owner or applicant to the maximum FAR allowed. The proposed increase in FAR is only applicable to those parcels within a Selective Area where the comprehensive plan clearly recommends such level of development intensity. Staff also clearly acknowledges that the higher levels of intensity recommended in the comprehensive plan are primarily associated with TSAs and in certain areas within certain CBCs. While the amendment will be advertised to permit the Board to adopt a specific FAR for TSAs and a different, possibly lower FAR for CBCs, CRDs and CRAs, staff does not recommend that tiered approach. Staff’s proposal will establish two tiers of FAR for the PDC and PRM Districts: one maximum FAR for areas outside of the Selective Areas and a different, higher maximum FAR for areas inside of the Selective Areas. In all cases, however, the maximum is only attainable subject to a rezoning in conformance with the density/intensity recommendation of the comprehensive plan. Staff does not support the establishment of additional tiers for different categories of Selective Area, as the current standards coupled with the proposed amendment are adequate to ensure that the density/intensity is further controlled by the recommendations of the comprehensive plan, as appropriate. Additionally, with form-based design guidelines, there is no way to predict an actual FAR that would suffice in those areas that have such a recommendation.

Parking: Current parking requirements are not being reduced. There are several opportunities for parking reductions currently allowed under the Zoning Ordinance, with most requiring Board approval. Furthermore, a 20% parking reduction is currently allowed in the CRDs, but it is only applicable to commercial uses. Because the comprehensive plan encourages mixed use development to include residential and non-residential uses in CRDs, the amendment proposes to allow the 20% parking reduction to apply to both residential and nonresidential uses. The amendment also provides clarification of the current scenarios under which the Board can allow for a parking reduction by better describing mass transit station, transportation facility and high-frequency bus service that serves a mass transit station or transportation facility.

Cellar Space: Cellar space is proposed to be included in the calculation of gross floor area (thus, FAR) for any rezoning to the PDC or PRM Districts approved after the date of this amendment. Except in the PTC District, cellar space is currently excluded from gross floor area. Language is also being proposed to clarify that loading, storage and other accessory uses, mechanical equipment and an unmanned datacenter or other similar telecommunication or electronic equipment are not counted when located in the cellar. For consistency, the clarification on cellar space exclusions is being added to the PTC District as well.

Open Space: The amount of open space is not being altered and will remain at a minimum of 15% in the PDC District and a minimum of 20% in the PRM District. In the PRM District, the proposed amendment will require that no less than half of the required open space must be provided at street level to prevent a majority of open space to be located on podiums or rooftops. This modification ensures that a minimum amount of open space is on ground level in the predominantly residential mixed use areas, as currently there is no restriction on where open space can be located. Staff notes that the Board has the ability to modify the provision if it is determined to be appropriate based on a specific application. Additionally, this provision will reference that, when applicable, the design features, dimensions, location and other factors associated with landscaped open space shall be in accordance with the adopted comprehensive plan recommendations for streetscape and urban park standards. This will help ensure that the physical form of a proposed development is consistent with the design recommendations of the comprehensive plan for a given area.

Uses: Certain uses are being added that staff believe can be appropriate and desired in mixed use developments. Commercial recreation restaurants and vehicle sales and ancillary service establishments are proposed as a secondary use in the PDC and PRM Districts along with kennels and veterinary hospitals in the PRM District. These uses will be subject to certain use limitations. The amendment also allows fast food restaurants located in a residential building in a PDC District to be processed in conjunction with a final development plan, rather than as a separate special exception. Finally, “housing for the elderly” is being changed to “independent living, assisted living and nursing facility” as a correction since the term “housing for the elderly” was replaced in an amendment in 2003 with the term independent living.

Site Distance: The amendment will allow the Board to modify minimum sight distance requirements on a corner lot, in conjunction with a rezoning or special exception upon a clear demonstration that such reduction maintains safe and adequate vehicular/pedestrian movements at the intersection. The existing regulations are in conflict with urban buildings and standards that locate structures at or close to the property lines. Changing this provision will allow flexibility to the current regulations, but not without Board approval.

Transitional Screening: There are existing Zoning Ordinance provisions for transitional screening and barrier requirements along the Dulles International Airport Access Highway and the Dulles Toll Road. Given these areas are proposed for denser development in conjunction with the extension of the Silver Line, the ability to modify these requirements is needed to ensure development can take place close to the Dulles Toll Road, as recommended by the comprehensive plan.

Lot Size/Purpose and Intent: The proposed amendment will add CRAs and TSAs (CRDs and CBCs are currently specified) to the current criteria for determining when land may be classified to the PDC District. In the PRM District, CBCs, CRDs and CRAs are being added to the purpose and intent section to indicate that the Selective Areas are locations where high density, mixed use residential districts are desired.

Bulk, Landscaping and Screening Modifications: Similar to what is already allowed for the PTC District, bulk regulations as well as landscaping and screening provisions shall have general applicability and only apply at the peripheral boundaries when there is a rezoning application to the PRM and PDC District located in the Selective Areas. These regulations allow flexibility to complement development on adjacent properties while buffering different land uses that are located along the perimeter of the Selective Areas.

Reduction in Yards: The amendment proposes to add CRAs and TSAs to the list of areas where the Board or the Director of Public Works and Environmental Services can reduce yards and other require distances from lot lines set forth in the Zoning Ordinance, when such reduced distances are established in the adopted comprehensive plan. Such reductions are currently permissible in the CBCs. Yard reductions are also allowed in CRDs but only as specified for the specific district.

Proposed PDC, PRM CRD District Text Changes

1 **Amend Article 2, General Regulations, as follows:**
2

- 3 - **Amend Part 4, Qualifying Lot and Yard Regulations, Sect. 2-418 Waiver of Yard**
4 **Requirements in Selective Areas, to read as follows:**
5

6 **Waiver Reduction of Yard Requirements in Selective Areas**
7

8 ~~Notwithstanding any other provision of this Ordinance and~~ Except in a Commercial
9 Revitalization District, the minimum yard requirements and other required distances from
10 lot lines set forth in this Ordinance may be ~~waived~~ reduced for developments located in an
11 area where specific design guidelines have been established in the adopted comprehensive
12 plan, such as in Community Business Centers (~~CBCs~~), Commercial Revitalization Areas
13 ~~and areas around transit facilities~~ Transit Station Areas, in accordance with such
14 recommendations. Such ~~waiver~~ reduced yards or other required distances from lot lines
15 may be approved by the Board, in conjunction with the approval of a rezoning or special
16 exception, or by the Director in approving a site plan, when it is determined that such
17 ~~waiver reduction~~ is in accordance with, and would further implementation of, the adopted
18 comprehensive plan. Yard requirements in a Commercial Revitalization District and any
19 allowable reductions thereof, shall be ~~provided~~ in accordance with the provisions of that
20 district.
21

- 22 - **Amend Part 5, Qualifying Use, Structure Regulations, Sect. 2-505, Use Limitations on**
23 **Corner Lots, by adding a new Par. 2 as follows:**
24

- 25 2. Notwithstanding the above, the Board, in conjunction with the approval of a rezoning or
26 special exception application, may modify the sight distance requirements on a corner lot
27 based upon an evaluation of the specific development proposal which shall consider the
28 demonstrated compliance with sight distance requirements of the Virginia Department of
29 Transportation and a specific sight distance analysis and/or any other relevant design
30 guidelines that would demonstrate safe and adequate vehicular, bicycle and/or pedestrian
31 movements at an intersection.
32
33
34

35 **Amend Article 6, Planned Development Districts, as follows:**
36

- 37 - **Amend Part 2, Planned Development Commercial District, as follows:**
38

- 39 - **Amend Sect. 6-203, Secondary Uses Permitted, by adding a new Par. 4D and**
40 **relettering the subsequent paragraphs accordingly, as follows:**
41

- 42 4. Commercial and industrial uses of special impact (Category 5), limited to:
43

1 D. Commercial Recreation Restaurants, limited by the provisions of Sect. 9-506

2
3 - **Amend Sect. 6-206, Use Limitations, by revising Paragraphs 5, 9, 10A and 11 and by**
4 **adding a new Par. 16, as follows:**

- 5
6 5. Secondary uses shall be permitted only in a PDC District which contains one or more
7 principal uses. Unless modified by the Board in conjunction with the approval of a
8 conceptual development plan in order for further implementation of the adopted
9 comprehensive plan; (i) the gross floor area devoted to dwellings as a secondary use
10 shall not exceed fifty (50) percent of the gross floor area of all principal uses in the
11 development, except that the floor area for affordable and market rate dwelling units
12 which comprise the increased density pursuant to Part 8 of Article 2 shall be excluded
13 from this limitation; and (ii) ~~the~~ the gross floor area of all other secondary uses shall not
14 exceed twenty-five (25) percent of the gross floor area of all principal uses in the
15 development.

16 The floor area for dwellings shall be determined in accordance with the gross
17 floor area definition except the following features shall not be deemed gross floor
18 area: balconies, porches, decks, breezeways, stoops and stairs which may be roofed
19 but which have at least one open side; or breezeways which may be roofed but which
20 have two (2) open ends. An open side or open end shall have no more than fifty (50)
21 percent of the total area between the side(s), roof and floor enclosed with railings,
22 walls, or architectural features.

- 23
24 9. Notwithstanding the provisions of Par. 5 and 6 above, ~~housing for the elderly~~
25 independent living facilities, assisted living facilities and/or nursing facilities as a
26 secondary uses need not be designed to serve primarily the needs of the residents and
27 occupants of the planned development in which located but shall be designed so as to
28 maintain and protect the character of adjacent properties. The gross floor area
29 devoted to ~~housing for the elderly~~ independent living facilities, assisted living
30 facilities and/or nursing facilities as a secondary uses shall not exceed fifty (50)
31 percent of the gross floor area of all uses in the development.

- 32
33 10. Fast food restaurants shall be permitted only in accordance with the following:

34
35 A. Fast food restaurants may be permitted as a secondary use when shown on an
36 approved final development plan, and provided such use is located in a residential
37 and/or nonresidential structure containing at least one (1) other permitted
38 principal or secondary use, in accordance with the following:

39
40 (1) Such fast food restaurants shall be oriented to cater primarily to occupants
41 and/or employees in the structure in which located, or of that structure and
42 adjacent structures in the same building complex which are accessible via a
43 clearly designated pedestrian circulation system; and

44
45 (2) Such use(s) shall comprise not more than fifteen (15) percent of the gross floor
46 area of the structure.

1
2 (3) No drive-through facilities shall be permitted when such fast food restaurant is
3 located in a building with any residential uses.
4

5 11. Kennels and veterinary hospitals shall be located within a completely enclosed
6 building which is adequately soundproofed and constructed so that there will be no
7 emission of odor or noise detrimental to other property in the area. ~~In addition, the~~
8 ~~Health Department shall approve the construction and operation of all veterinary~~
9 ~~hospitals prior to issuance of any Building Permit or Non-Residential Use Permit.~~
10

11 16. Off-street parking and loading facilities and private streets shall be provided in
12 conformance with the provisions of Article 11, to include any possible parking
13 reductions or alternate locations set forth in Sect. 11-102. Any such parking
14 reduction may be approved by the Board as part of a rezoning and/or special
15 exception when it is demonstrated by the applicant and determined by the Board, in
16 its discretion, that any such reduction(s) meets all applicable requirements of Sect.
17 11-102 and is/are in furtherance of the recommendations of the adopted
18 comprehensive plan. It is intended that a substantial portion of the required parking
19 should be provided in above and/or below grade parking structures.
20

21 - **Amend Sect. 6-207, Lot Size Requirements, by revising Par. 1C, as follows:**
22

- 23 1. Minimum district size: No land shall be classified in the PDC District unless the Board
24 finds that the proposed development meets at least one (1) of the following conditions:
25
26 A. The proposed development will yield a minimum of 100,000 square feet of gross
27 floor area.
28
29 B. The proposed development will be a logical extension of an existing P District, in
30 which case it must yield a minimum of 40,000 square feet of gross floor area.
31
32 C. The proposed development is located within an area designated as a Community
33 Business Center, Commercial Revitalization Area or Transit Station Area in the
34 adopted comprehensive plan or is in a Commercial Revitalization District and a
35 final development plan is submitted and approved concurrently with the conceptual
36 development plan for the proposed development. The conceptual and final
37 development plan shall specify the uses and gross floor area for the proposed
38 development and shall provide site and building designs that will complement
39 existing and planned development by incorporating high standards of urban design,
40 to include provision for any specific urban design plans in the comprehensive plan
41 for the area and for safe and convenient pedestrian, bicycle and vehicular movement
42 and access.
43

44 - **Amend Sect. 6-208, Bulk Regulations, by revising Par. 3 and adding a new Par. 4 to**
45 **read as follows:**
46

1 3. Maximum floor area ratio: 2.5. However, the Board may approve an increase up to
2 5.0 only when, in the discretion of the Board, the proposed development is
3 implementing the site specific density/intensity and other recommendations in the
4 adopted comprehensive plan for developments located in a Commercial
5 Revitalization District, Community Business Center, Commercial Revitalization Area
6 and/or Transit Station Area. (*Advertised range for maximum FAR is 2.5 to 5.5 for*
7 *areas within the Selective Areas*) 1.5, which may be increased by the Board, in its
8 sole discretion, up to a maximum of 2.5 in accordance with and when the conceptual
9 and final development plans include one or more of the following:

10
11 ~~A. More open space than the minimum required by Sect. 209 below—Not more than~~
12 ~~2% for each additional 1% of the gross area provided in open space.~~

13
14 ~~B. Unique design features and amenities within the planned development which~~
15 ~~require unusually high development costs and which achieve an especially~~
16 ~~attractive and desirable development, such as, but not limited to, terraces,~~
17 ~~sculpture, reflecting pools and fountains—As determined by the Board in each~~
18 ~~instance, but not to exceed 35%.~~

19
20 ~~C. Below surface off-street parking facilities—Not more than 5% for each 20% of~~
21 ~~the required number of parking spaces to be provided.~~

22
23 ~~D. Above surface off-street parking facilities within an enclosed building or~~
24 ~~structure—Not more than 3% for each 20% of the required number of parking~~
25 ~~spaces to be provided.~~

26
27 The maximum floor area ratio permitted by this Part shall exclude the floor area for
28 affordable and bonus market rate dwelling units provided in accordance with Part 8 of
29 Article 2 and the floor area for proffered bonus market rate units and/or bonus floor
30 area, any of which is associated with the provision of workforce dwelling units, as
31 applicable.

32
33 4. Notwithstanding the definition of gross floor area, any cellar space shall be counted
34 as part of the gross floor area and shall be included in the calculation of the floor area
35 ratio for any rezoning to the PDC District approved by the Board after [date of
36 adoption], except when such cellar space:

37
38 A. has a structural headroom of less than six (6) feet, six (6) inches and is
39 specifically identified for mechanical equipment; or

40
41 B. is specifically identified for storage and/or other uses that are accessory to the
42 principal uses in the building; or

43
44 C. is specifically identified as a loading space, including any associated travel way
45 providing access to the space, as well as the loading dock utilized for the
46 temporary loading and unloading of goods; or

1
2 D. is specifically identified to house an unmanned datacenter or other similar
3 telecommunication or electronic equipment.
4
5

6 - **Amend Part 4, Planned Residential Mixed Use District, as follows:**
7

8 - **Amend Sect. 6-401, Purpose and Intent, as follows:**
9

10 The PRM District is established to provide for high density, multiple family residential
11 development, generally with a minimum density of 40 dwelling units per acre; for mixed
12 use development consisting primarily of multiple family residential development,
13 generally with a density of at least twenty (20) dwelling units per acre, with secondary
14 office and/or other commercial uses. PRM Districts should be located in those limited
15 areas where such high density residential or residential mixed use development is in
16 accordance with the adopted comprehensive plan such as within areas delineated as
17 Transit Station Areas, Community Business Centers, Commercial Revitalization Areas
18 and Urban and Suburban Centers as well as developments located in Commercial
19 Revitalization Districts. The PRM District regulations are designed to promote high
20 standards in design and layout, to encourage compatibility among uses within the
21 development and integration with adjacent developments, and to otherwise implement the
22 stated purpose and intent of this Ordinance.

23 To these ends, rezoning to and development under this district will be permitted
24 only in accordance with development plans prepared and approved in accordance with
25 the provisions of Article 16.
26

27 - **Amend Sect. 6-403, Secondary Uses Permitted, by adding a new Par. 5A and**
28 **relettering the subsequent subparagraphs accordingly, and by adding new**
29 **Paragraphs 13 and 23 and renumbering the subsequent paragraphs accordingly, as**
30 **follows:**
31

32 5. Commercial and industrial uses of special impact (Category 5), limited to:

33 A. Commercial recreation restaurants, limited by the provisions of Sect. 9-506

34 13. Kennels, limited by the provisions of Sect. 406 below.

35 23. Veterinary hospitals, limited by the provisions of Sect. 406 below.
36
37

38 - **Amend Sect. 6-406, Use Limitations by revising Par. 9 and adding new Par. 13 to**
39 **read as follows:**
40
41
42

1 9. Off-street parking and loading facilities and private streets shall be provided in
2 conformance with the provisions of Article 11, to include ~~the~~ any possible parking
3 reductions or alternate locations as may be permitted in Sect. 11-102, based on hourly
4 parking accumulation characteristics of the various uses and/or proximity to a mass
5 transit station. Any such parking reduction may be approved by the Board,
6 in its discretion, as part of a rezoning and/or special exception when it is
7 demonstrated by the applicant and determined by the Board that any such reduction(s)
8 meets all the applicable requirements of Sect. 11-102 and is/are in furtherance of the
9 recommendations of the adopted comprehensive plan. It is intended that a substantial
10 portion of the required parking should be provided in above and/or below grade
11 parking structures.

12
13 13. Kennels and veterinary hospitals shall be located within a completely enclosed
14 building which is adequately soundproofed and constructed so that there will be no
15 emission of odor or noise detrimental to other property in the area.

16
17 - **Amend Sect. 6-408, Bulk Regulations, by revising Par. 2 and adding a new Par. 3, to**
18 **read as follows:**

19
20 2. Maximum floor area ratio: 3.0. However, the Board may approve an increase up to
21 5.0 only when, in the discretion of the Board, the proposed development is
22 implementing the site specific density/intensity and other recommendations in the
23 adopted comprehensive plan for developments located in a Commercial
24 Revitalization District, Community Business Center, Commercial Revitalization Area
25 and/or Transit Station Area. ~~provided~~ ~~¶~~The maximum floor area ratio permitted by
26 this Part shall exclude the floor area for affordable and bonus market rate units
27 provided in accordance with Part 8 of Article 2 and the floor area for proffered bonus
28 market rate units and/or bonus floor area, any of which is associated with the
29 provision of workforce dwelling units, as applicable. (*Advertised range for*
30 *Maximum FAR is 3.0 to 5.5 for areas within the Selective Areas.*)

31
32 3. Notwithstanding the definition of gross floor area, any cellar space shall be counted
33 as part of the gross floor area and shall be included in the calculation of the floor area
34 ratio for any rezoning to the PRM District approved by the Board after [date of
35 adoption], except when such cellar space:

36
37 A. has a structural headroom of less than six (6) feet, six (6) inches and is
38 specifically identified for mechanical equipment; or

39
40 B. is specifically identified for storage and/or other uses that are accessory to the
41 principal uses in the building; or

42
43 C. is specifically identified as a loading space, including any associated travel way
44 providing access to the space, as well as the loading dock utilized for the
45 temporary loading and unloading of goods; or
46

1 D. is specifically identified to house an unmanned datacenter or other similar
2 telecommunication or electronic equipment.

3
4 - **Amend Sect. 6-409, Open Space, by revising Par. 1 to read as follows:**

- 5
6 1. Not less than 20% of the gross area shall be landscaped open space, unless modified
7 by the Board in accordance with the provisions of Sect. 9-612. Not more than one-
8 half (1/2) of the minimum required landscaped open space shall be permitted above
9 the street level, unless otherwise modified by the Board upon specific request. When
10 applicable, the design features, dimensions, location and other factors associated with
11 landscaped open space shall be in accordance with the adopted comprehensive plan
12 recommendations for streetscape and urban park standards.

13
14 - **Amend Part 5, Planned Tysons Corner Urban District, by amending Par. 5 of Sect. 6-**
15 **505, Use Limitations, as follows:**

- 16
17 5. Notwithstanding the definition of gross floor area, any cellar space shall be counted
18 as part of the gross floor area and shall be included in the calculation of the floor area
19 ratio, except that space used for mechanical equipment with structural headroom of
20 less than six (6) feet, six (6) inches; and that area that is specifically identified and
21 used for storage and/or for accessory uses and/or loading space and associated
22 loading docks; and that area specifically identified and used for primarily an
23 unmanned datacenter or other similar mechanical, telecommunication or electronic
24 equipment.

25
26
27 **Amend Article 9, Special Exceptions, Part 5, Commercial and Industrial Uses of Special**
28 **Impact, as follows:**

29
30 - **Amend Sect. 9-506, Additional Standards for Commercial Recreation Restaurants, by**
31 **deleting Par. 2 and renumbering subsequent paragraphs accordingly, as follows:**

- 32
33 2. ~~No person under 18 years of age shall be permitted to frequent the premises unless~~
34 ~~accompanied by a parent or guardian.~~

35
36 - **Amend Sect. 9-518, Additional Standards for Vehicle Sale, Rental and Ancillary Service**
37 **Establishments, by amending Par.7 and adding a new Par. 9, as follows:**

- 38
39 7. In the C-3, C-4, I-3, I-4, I-5, ~~PDC,~~ and PRC ~~and PRM~~ Districts, only vehicle rental
40 establishments may be allowed and such use shall be subject to Paragraphs 1 through
41 6 above and the following:
42
43 A. Vehicle rental establishments shall be limited to the rental of automobiles and
44 passenger vans and the rental of trucks or other vehicles shall not be permitted.
45
46 B. There may be a maximum of twenty-five (25) rental vehicles stored on site and

1 such vehicles shall be stored in a portion of the parking lot designated on the
2 special exception plat for the storage of rental vehicles.
3

4 C. There shall be no maintenance or refueling of the rental vehicles on-site.
5

- 6 9. In the PDC and PRM Districts, vehicle sale, rental and ancillary service
7 establishments shall only be permitted when specifically identified on an approved
8 final development plan and provided there shall be no outside display or storage of
9 vehicles. All vehicle display or storage shall occur within an enclosed building or
10 parking garage and any ancillary service establishment use shall occur within a
11 completely enclosed building.
12
13

14 **Amend Article 11, Off-Street Parking and Loading, Private Streets, Part 1, Off-Street**
15 **Parking, by revising Par. 5 of Sect. 11-102, General Provisions, as follows:**
16

- 17 5. Subject to conditions it deems appropriate, the Board may reduce the number of off-
18 street parking spaces otherwise required by the strict application of the provisions of
19 this Part when a proposed development is within reasonable walking distance to:
20 ~~Within the an area in proximity~~
21

22 A. a mass transit station and/or within an area designated in the adopted
23 comprehensive plan as a Transit Station Area wherein the ~~which~~ station either
24 exists or is programmed for completion within the same time frame as the
25 completion of the subject development; or
26

27 B. an existing transportation facility consisting of a streetcar, bus rapid transit, or
28 express bus service or wherein such facility is programmed for completion within
29 the same timeframe as the completion of the subject development and will
30 provide high-frequency service; or along a corridor served by a mass transit
31 facility which facility that is conveniently accessible to the proposed use and
32 offers a regular scheduled service; or
33

34 C. a bus stop when service to this stop consists of more than three routes and at least
35 one route serves a mass transit station or transportation facility and provides high-
36 frequency service.
37

38 ~~the Board may, subject to conditions it deems appropriate, reduce the number of off-~~
39 ~~street parking spaces otherwise required by the strict application of the provisions of~~
40 ~~this Part. Such reduction may be approved when the applicant has demonstrated to~~
41 ~~the Board's satisfaction that the spaces proposed to be eliminated are unnecessary~~
42 ~~based on the projected reduction in the parking demand resulting from the proximity~~
43 ~~of the mass transit station or mass transit transportation facility or bus service and~~
44 ~~such reduction in parking spaces will not adversely affect the site or the adjacent area.~~
45 For the purposes of this provision, a determination regarding the completion time

1 frame for a mass transit station or transportation facility shall include the funding
2 status for the transportation project.
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5 **Amend Article 13, Landscaping and Screening, Part 3, Transitional Screening and**
6 **Barriers, by revising Par. 11 of Sect. 305, Transitional Screening and Barrier Waivers and**
7 **Modifications, as follows:**
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- 9 11. Transitional screening and barriers may be waived or modified where the subject
10 property abuts a railroad, ~~or~~ interstate highway right-of-way, ~~except~~ the right-of-way
11 of the Dulles International Airport Access Highway or the combined Dulles
12 International Airport Access Highway and Dulles Toll Road.
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15 **Amend Article 16, Development Plans,**

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17 - **Amend Part 1, Standards for All Planned Developments, by revising Par. 1 of Sect.**
18 **16-102, Design Standards, as follows:**
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20 Whereas it is the intent to allow flexibility in the design of all planned developments, it is
21 deemed necessary to establish design standards by which to review rezoning applications,
22 development plans, conceptual development plans, final development plans, PRC plans,
23 site plans and subdivision plats. Therefore, the following design standards shall apply:
24

- 25 1. In order to complement development on adjacent properties, at all peripheral
26 boundaries of the PDH, PRM, PDC, and PRC Districts the bulk regulations and
27 landscaping and screening provisions shall generally conform to the provisions of that
28 conventional zoning district which most closely characterizes the particular type of
29 development under consideration. In a rezoning application to the PDC or PRM
30 District that is located in a Commercial Revitalization District or in an area that is
31 designated as a Community Business Center, Commercial Revitalization Area or
32 Transit Station Area in the adopted comprehensive plan, this provision shall have
33 general applicability and only apply at the periphery of the Commercial
34 Revitalization District, Community Business Center, Commercial Revitalization
35 Area, or Transit Station Area, as necessary to achieve the objectives of the
36 comprehensive plan. In the PTC District, such provisions shall only have general
37 applicability and only at the periphery of the Tysons Corner Urban Center, as
38 designated in the adopted comprehensive plan.
39

40 **Amend Appendix 7, Commercial Revitalization Districts, as follows:**

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42 - **Amend Par. 3A of Sections A7-109, A7-209, A7-309 and A7-509, Additional**
43 **Provisions, as follows:**
44
45 3. The off-street parking, loading and private street requirements of Article 11 shall
46 apply, except as set forth below:

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A. The minimum off-street parking requirements for any non-residential uses may be reduced by up to twenty (20) percent by the Board when it is demonstrated by the applicant and determined by the Board that such reduction is in furtherance of the goals of the Commercial Revitalization District as set forth in the adopted comprehensive plan. Such request may also be considered in conjunction with a rezoning and/or special exception application. The fee for a parking reduction set forth in Sect. 17-109 shall not be applicable.

In conjunction with a rezoning to a mixed-use development in a PDC or PRM District, the minimum off-street parking requirements for residential and non-residential uses may be reduced by up to twenty (20) percent by the Board, in its discretion, when it is demonstrated by the applicant and determined by the Board that such reduction is in furtherance of the recommendations of the area as set forth in the adopted comprehensive plan. Such parking reduction shall be subject to the fee set forth in Sect. 17-109.

- **Amend Par. 3A of Sect. A7-409, Additional Provisions, as follows:**

- 3. The off-street parking, loading and private street requirements of Article 11 shall apply, except as set forth below:
 - A. Notwithstanding the provisions of Article 11, the minimum off-street parking requirements for all non-residential uses shall be reduced by twenty (20) percent.
In conjunction with a rezoning to a mixed-use development in a PDC or PRM District, the minimum off-street parking requirements for residential and non-residential uses may be reduced by up to twenty (20) percent by the Board when it is demonstrated by the applicant and determined by the Board, in its discretion, that such reduction is in furtherance of the recommendations of the area as set forth in the adopted comprehensive plan. Such parking reduction shall be subject to the fee set forth in Sect. 17-109.