

Board Agenda Item
April 3, 2006

ADMINISTRATIVE – 4

Approval of Zoning Ordinance Amendment Work Program for 2006

ISSUE:

Consideration and endorsement of the Zoning Ordinance Amendment Work Program for 2006.

RECOMMENDATION:

The County Executive recommends that the Board of Supervisors endorse the Zoning Ordinance Amendment Work Program for 2006 as recommended by the Development Process Committee, as set forth in Attachments 1 and 2.

TIMING:

Board action is requested on April 3, 2006.

BACKGROUND:

The Zoning Ordinance Amendment Work Program, originally initiated in 1983, contains requests for amendments to the Zoning Ordinance, which originate from staff, citizens, industry representatives, Board of Zoning Appeals, Planning Commission and the Board of Supervisors. The requested changes vary from minor clarifying revisions to the addition of new provisions to accommodate new concepts or types of uses to major reviews of certain portions of the Zoning Ordinance. The Work Program also includes proposed revisions to the Zoning Ordinance that resulted from the Regulatory Revision Project of the Business Process Redesign (BPR) Program. This list consists of suggestions intended to improve both the efficiency and effectiveness of the land development review process, and these amendments are identified on the enclosed attachments by the abbreviation BPR.

The Priority 1 Work Program for 2006 is set forth as Attachment 1 and proposes consideration and review of 27 Zoning Ordinance amendment items. One of the carryover items from the 2005 Priority 1 Work Program (Special Permit and Special Exception Applications in Lieu of Variances) is proposed to be broken into the following three separate items on the 2006 Priority 1 Work Program: Lot Width Modifications, Process Modifications and Yard Reductions. Other major carry over initiatives are revisions to certain fence provisions; possible increase in allowable Floor Area Ratio (FAR) in the Planned Development Commercial (PDC) and Planned Residential Mixed Use (PRM) Districts; the review of second kitchen provisions; the establishment of single room occupancy provisions; review of adult video store provisions; the review of

Board Agenda Item
April 3, 2006

various lot and yard definitions and provisions; the review of the P district provisions; portable storage unit regulations; open space requirements; irregularly shaped lots regulations; R-C District regulations and residential parking. Various Affordable Dwelling Unit (ADU) initiatives (equivalency determinations, for sale pricing, high-rise multiple family and rental pricing) are also carried over on the 2006 Priority 1 Work Program and will require coordination with the Department of Housing and Community Development and the reconstituted ADU Task Force and may also require consultant input. Other issues that will be carried over from the 2005 Work Program are amendments concerning archaeological submission requirements in historic districts, the establishment of the Mason Neck Historic Overlay District, the expansion of the Centreville Historic District, military installation notification, service drives and dustless surface provisions.

Eight of the amendments on the 2005 Priority 1 Work Program are proposed to be moved to the Priority 2 Work Program: (1) Height (building height definition, allow the Board to increase residential building height with special exception approval and increase the height of an accessory structure that can be located anywhere in the rear or side yards); (2) Child Care and Nursery School Parking; (3) Patios and Decks; (4) Temporary Special Permits; (5) Cluster Subdivision Follow Up; (6) Public Uses; (7) Laurel Hill Historic Overlay District; and (8) Mini-warehousing and Vehicle Sale and Rental Establishments in the PDC and PRM Districts. Although all 8 of the items proposed to be moved to the 2006 Priority 2 list have merit, it is believed that other issues have become a greater priority and should be addressed prior to consideration of these items. In addition, due to changes in priorities and circumstances, two items: (1) Residential Compatibility (possible inclusion of residential FAR and/or lot coverage requirements) and (2) Emergency Basement Access, are proposed to be moved from the 2005 Priority 2 Work Program to the 2006 Priority 1 Work Program.

The major new initiatives for 2006 concern amendments pertaining to (1) ADU Provisions (review of ADU income eligibility ranges and consideration of the reduction of the minimum parking requirements for ADUs), (2) Carport Enclosures/Pop-ups and (3) Work Force Housing. Other new initiatives for 2006 include: (1) BZA Dismissal of Applications, (2) Editorial Revisions, (3) Fence Height Measurement (to be combined with the other fence issues); (4) Non-Rail Regional Transit Facility Regulations; and (5) possible changes as a result of amendments to the State Code that are adopted by the 2006 Virginia General Assembly.

Attachment 2 is the proposed 2006 Priority 2 Zoning Ordinance Amendment Work Program that consists of requested amendments which will not be acted upon in 2006, but will be retained on the list for priority consideration at the time the next work program is developed. Attachment 3 is a list of new requests for amendments since the April, 2005 approval of the 2005 Work Program and their status on the proposed 2006 priority lists. Attachment 4 is a status report on the Priority 1 Work Program for 2005

Board Agenda Item
April 3, 2006

and Attachment 5 is a list of amendments which have been acted upon or resolved by the Board since the April, 2005 approval of the 2005 Work Program and indicates whether these amendments were previously identified on the Work Program.

On March 9, 2006, the Planning Commission recommended approval of the proposed 2006 Work Program with one change. The Commission recommended that Item #56 on the Proposed Priority 2 Work Program (Page 15) be moved to the proposed Priority 1 Work Program. Item #56 pertains to the revision of the Woodlawn Historic Overlay District regulations to accommodate a proposal for a hotel with a height in excess of 35 feet. The Planning Commission made this recommendation in anticipation of development proposals in the Woodlawn Historic Overlay District. Based on information provided to staff on two recent hotel development proposals in the Woodlawn Historic Overlay District, there would be no urgent need to amend the height limitations in the Historic District to accommodate these two proposals at this time. Staff has recently become aware of another proposal for a potential third hotel site in the Woodlawn Historic Overlay District that possibly would need a height increase from the 35 feet currently allowed in the Historic District, although there has been no direct staff contact with the developer. Given that there is no conclusive need for such an amendment at this time, staff recommends that Item #56 be maintained on the Priority 2 Work Program for now and, if an actual hotel proposal is brought forward that requires a height increase, the Board could move Item #56 to the Priority 1 Work Program at that time.

On March 20, 2006, the Development Process Committee of the Board of Supervisors discussed the proposed Work Program and endorsed the Work Program as recommended by staff. In addition, the Committee requested the following:

1. Item #1 on the proposed Priority 1 Work Program - Ongoing Amendments Involving Coordination (Pg. 6) concerns a review of the regulations related to adult video stores. The Committee requested that there be coordination between the Office of the County Attorney and the Department of Planning and Zoning concerning the potential need for a secondary impact study and whether secondary impact analyses prepared by other jurisdictions could be used in lieu of Fairfax County preparing its own analysis. If it was determined that Fairfax County must conduct its own secondary impact analysis, it is requested that this information be provided to the Board as early as possible. It was further requested that all results of the secondary impact analyses be provided to the Board in September, 2006 for further direction.
2. Prepare a letter to industry that clarifies the manner in which building height is measured as required by the Zoning Ordinance.
3. Item #51(f) on the proposed Priority 2 Work Program (Pg. 15) would allow bells associated with places of worship to exceed the maximum allowable noise level of 55 dBA at residential property boundaries for limited specific time periods.

Board Agenda Item
April 3, 2006

The Committee requested that staff report back to the Board on the various issues concerning this amendment in September, 2006.

4. Item #58 on the proposed Priority 2 Work Program (Pg. 15) pertains to 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 a Building Permit. The Committee requested that consideration be given to the development of administrative procedures that accomplish the goal of this item without requiring an amendment to the Zoning Ordinance.

FISCAL IMPACT:
None.

ENCLOSED DOCUMENTS:

- Attachment 1: Proposed Priority 1 2006 Zoning Ordinance Amendment Work Program
- Attachment 2: Proposed Priority 2 2006 Zoning Ordinance Amendment Work Program
- Attachment 3: New Requests since April, 2005 Approval of 2005 Zoning Ordinance Work Program
- Attachment 4: Status Report on Priority 1 2005 Zoning Ordinance Amendment Work Program
- Attachment 5: Zoning Ordinance Amendments Acted Upon/Resolved Since the April, 2005 Endorsement of the 2004 Zoning Ordinance Work Program
- Attachment 6: Planning Commission Recommendation

STAFF:

Robert A. Stalzer, Deputy County Executive
James P. Zook, Director, Department of Planning and Zoning (DPZ)
William E. Shoup, Zoning Administrator, DPZ
Lorrie Kirst, Deputy Zoning Administrator, Ordinance Administration Branch, DPZ