

**FAIRFAX COUNTY PLANNING COMMISSION
POLICY AND PROCEDURES COMMITTEE
WEDNESDAY, APRIL 18, 2012**

COMMITTEE MEMBERS PRESENT:

Walter L. Alcorn, Commissioner At-Large
James R. Hart, Commissioner At-Large
Kenneth A. Lawrence, Providence District, Chairman
John L. Litzenberger, Jr., Sully District
Timothy J. Sargeant, Commissioner At-Large

COMMITTEE MEMBERS ABSENT:

Earl L. Flanagan, Mount Vernon District
Janet R. Hall, Mason District

OTHER COMMISSIONERS PRESENT:

Frank A. de la Fe, Hunter Mill District
Ellen J. Hurley, Braddock District
James T. Migliaccio, Lee District
Peter F. Murphy, Jr., Springfield District

FAIRFAX COUNTY DEPARTMENT OF PLANNING AND ZONING STAFF PRESENT:

Leslie Johnson, Assistant Zoning Administrator, Zoning Administration Division (ZAD)
Lorrie E. Kirst, Deputy Zoning Administrator, Ordinance Administration Branch, ZAD
Michelle M. O'Hare, Deputy Zoning Administrator, Ordinance Administration Branch,
ZAD

PLANNING COMMISSION OFFICE STAFF PRESENT:

Barbara J. Lippa, Executive Director
Kara A. DeArrastia, Clerk

ATTACHMENTS:

- A) Memorandum dated April 12, 2012, from Eileen M. McLane, Zoning Administrator
- B) Summary Chart of the Status of the 2011 Priority 1 Zoning Ordinance Amendment (ZOA) Work Program
- C) Summary Chart of the Proposed 2012 Priority 1 ZOA Work Program
- D) Proposed 2012 Priority 1 ZOA Work Program, dated April 11, 2012
- E) Proposed 2012 Priority 2 ZOA Work Program, dated April 11, 2012
- F) New Amendment Requests since July 12, 2011 Endorsement of the 2011 ZOA Work Program, dated April 11, 2012

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Planning Commission Vice Chairman Walter L. Alcorn constituted the Policy and Procedures Committee at 7:02 p.m. in the Board Conference Room of the Fairfax County Government Center, 12000 Government Center Parkway, Fairfax, Virginia 22035, pursuant to Section 4-102

of the Commission's *Bylaws & Procedures*. He indicated that the first order of business was to elect a Committee chairperson.

Commissioner Hart MOVED TO NOMINATE KENNETH A. LAWRENCE AS CHAIRMAN OF THE 2012 POLICY AND PROCEDURES COMMITTEE.

Commissioner Sargeant seconded the motion which carried unanimously.

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Commissioner Hart MOVED TO APPROVE THE POLICY AND PROCEDURES COMMITTEE MINUTES OF JANUARY 26, 2012.

Commissioner Alcorn seconded the motion which carried unanimously.

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ZONING ORDINANCE AMENDMENT WORK PROGRAM

Lorrie Kirst, Deputy Zoning Administrator, Ordinance Administration Branch, Zoning Administration Division (ZAD), Department of Planning and Zoning (DPZ), distributed copies of the following: 1) Memorandum dated April 12, 2012, from Eileen M. McLane, Zoning Administrator; 2) Chart summarizing the status of the 2011 Priority 1 Zoning Ordinance Amendment (ZOA) Work Program; 3) Chart summarizing the proposed 2012 Priority 1 ZOA Work Program; 4) Document outlining the proposed 2012 Priority 1 ZOA Work Program, dated April 11, 2012; 5) Document outlining the proposed 2012 Priority 2 ZOA Work Program, dated April 11, 2012; and 6) Document listing the new amendment requests since the July 12, 2011 endorsement of the 2011 ZOA Work Program, dated April 11, 2012, all of which are shown in Attachments A through F. She then provided a status on the 2011 Priority 1 ZOA Work Program.

Ms. Kirst responded to questions from Committee members about the following Priority 2 items:

- Parking Requirements, Item Number 30, for eating establishments versus public entertainment establishments;
- Overlay Districts, Item Number 29(a) and (b), Historic Overlay Districts, concerning establishment of a historic overlay district for Laurel Hill and requirement of all demolition permits for structures listed on the County Inventory of Historic Places to be reviewed by the History Commission; and
- Accessory Uses, Accessory Service Uses and Home Occupations, Item Number 4, concerning a small amount of storage of stock in trade (64 square feet) for a home business conducted via the internet or sales outside of the dwelling unit.

In response to questions from Commissioner Hart, Ms. Kirst indicated that the Priority 1 items annotated with an asterisk did not have a projected timeline due to certain circumstances; for example, Item Number 4, Farm Wineries, depended upon receiving information from Albemarle and Fauquier Counties regarding regulations for farm wineries. She confirmed that although these particular items were important as they had been specifically requested by the Board of Supervisors, their progress was contingent upon other actions.

A brief discussion ensued among Committee members and Ms. Kirst regarding Priority 2, General Regulations, Item Number 18(b), Qualifying Use and Structure Regulations, to consider allowing chickens to be permitted on lots less than two acres in size in certain situations.

Replying to questions from Commissioner Migliaccio, Ms. Kirst explained that staff would remove items from the Priority 2 list if they had remained on the list for five or more years and were no longer relevant. She said staff would make a judgment call as to what was critical at the time to determine whether an item should be included on the Priority 1 list. Michelle O'Hare, Deputy Zoning Administrator, Ordinance Administration Branch, ZAD, DPZ, added that staff would accept recommendations from Committee members for amendments or requests to elevate or demote the priority level of a particular item.

Answering a question from Chairman Lawrence, Ms. Kirst noted that the next step in this process was for the Committee to present a recommendation to the entire Planning Commission to endorse the 2012 ZOA Work Program, subject to any modifications. She said because the Work Program was a living document, its content changed due to a variety of unforeseen reasons and forces, noting that the specified timeframes were tentative.

Ms. Kirst noted that staff would present its proposal and the Planning Commission's recommendation to the Board of Supervisors' Development Review Committee on Tuesday, May 15, 2012. She therefore requested that the Commission's recommendation be submitted to staff prior to that date.

Chairman Lawrence noted that the Committee would meet again on Thursday, May 10, 2012, at 7:30 p.m., to draft a final recommendation on the proposed 2012 ZOA Work Program for the full Planning Commission to vote on later that evening. He therefore requested that Committee members submit any suggested revisions at that meeting.

Responding to questions from Chairman Lawrence, Ms. Kirst explained that following adoption of the ZOA Work Program, the Planning Commission could submit any urgent priority amendment requests to the Board of Supervisors through a Board Matter item wherein the Board would typically vote to place it on the Priority 1 list or direct staff to address the amendment within a given timeframe. She said the projected timeline to complete a given item allowed for flexibility, given its prioritization and availability of staff resources. She added that the specified dates were provided for guidance and planning purposes.

Referring to Priority 1 Item Number 8, Office (New), concerning clarification that a certain amount of biotech (bioscience) research and development was permitted as an office use,

Commissioner de la Fe expressed concern that allowing bioscience research as an office use could lead to another biohazard incident, citing an incident in the 1990s where a new "strain" of Ebola virus was found in a monkey quarantine facility located at 1946 Isaac Newton Square in Reston, which had to be subsequently demolished (See *The Hot Zone* by Richard Preston for more information.) Ms. Kirst noted the rationale behind this amendment was to encourage the expansion of bioscience research and technology firms in Fairfax County, although she recognized that the issues surrounding bioscience research presented a balancing act with the economic benefits. Commissioner de la Fe said he supported the expansion of technological research and development firms in the County, but still expressed concern about the inclusion of bioscience research.

In reply to a question from Chairman Lawrence, Ms. Kirst indicated that the Planning Commission would receive a copy of the final 2012 ZOA Work Program Priority 1 and 2 lists adopted by the Board of Supervisors in the June 2012 timeframe.

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TOPICS FOR FUTURE COMMITTEE MEETINGS

Chairman Lawrence reported that he had asked Marianne Gardner, Director, Planning Division, DPZ, to compile a list of the major changes to the Area Plans Review (APR) process (entitled, "Fairfax Forward: The Next Planning Horizon"), such as the establishment of a standing task force. He said he expected that the Committee would continue to discuss this new process.

Ms. Kirst pointed out that in the past staff had presented to this Committee some concepts of possible Zoning Ordinance amendments to receive preliminary feedback from Committee members. Chairman Lawrence said he would coordinate with staff to schedule a future meeting to accommodate such a presentation.

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The meeting was adjourned at 7:48 p.m.
Kenneth A. Lawrence, Chairman

An audio recording of this meeting is available in the Planning Commission Office, 12000 Government Center Parkway, Suite 330, Fairfax, Virginia 22035.

Minutes by: Kara A. DeArrastia

Approved: May 10, 2012

Kara A. DeArrastia, Clerk to the
Fairfax County Planning Commission



County of Fairfax, Virginia

To protect and enrich the quality of life for the people, neighborhoods and diverse communities of Fairfax County

DATE: April 12, 2012

TO: Planning Commission Policy and Procedures Committee

FROM: Eileen M. McLane *EMcL*
Zoning Administrator

SUBJECT: April 18, 2012 Policy and Procedures Committee Meeting – 7:00 p.m.

Introduction

The Policy and Procedures Committee will be meeting on April 18, 2012, at 7:00 p.m. to review and comment on the proposed 2012 Zoning Ordinance Amendment Work Program (2012 Work Program).

Enclosed as Attachments 1 and 2 are reference summary charts of the status of the 2011 Priority 1 Work Program, and the proposed 2012 Priority 1 Work Program, respectively. Attachment 3 is the 2012 Priority 1 list with a description of each item. The 2012 Priority 2 list is enclosed as Attachment 4 and consists of those items that will not be addressed this year, but will be retained for future Priority 1 consideration. Attachment 5 contains a list of new amendment requests that have been identified by the Board of Supervisors (Board), various other boards, committees, staff or citizens, since the adoption of the 2011 Work Program.

Status of 2011 Priority 1 Work Program

In July 2011, the Board approved 26 items for the 2011 Priority 1 Work Program and subsequently added one additional item regarding height limits for certain independent living facilities in R Districts. Of the Priority 1 items, four have been adopted, 2 items will be authorized for advertisement of public hearings on May 22, 2012, and 3 items were administratively addressed not requiring amendments. It is noted that 2 items, Independent Living Facilities for Low Income Residents (ILF) and Public Entertainment Establishments were both authorized and the Planning Commission public hearings were held. However, for both of these amendments, the Board requested that additional coordination with stakeholders be conducted, that changes be made outside the scope of advertisement, and that the amendments be re-advertised for new public hearings. The ILF amendment was subsequently reworked, re-advertised and adopted. The Public Entertainment amendment is currently being worked through a Planning Commission workgroup and a revised concept proposal is to be presented to the Board at its Development Process Committee meeting on May 15, 2012.

The 3 items that were administratively addressed include two state code items pertaining to property owner notice and traffic impact submission requirements, and the third dealt with the sight distance provision for corner lots. The property owner notice item and traffic impact submission items were addressed with changes to staff procedures, and the site distance matter involved a specific property which turned out to be an enforcement issue and was resolved by the Zoning Inspections Branch.

Major time and effort of staff during the past year has been spent on the following:

- Independent Living Facilities for Low Income Residents. This item evolved from the previous item on the 2010 Priority 1 list pertaining to the establishment of Residential Studios (Single Room Occupancy Units (SRO)) and appears to be a viable option to address housing needs of certain lower income persons. The Board was briefed on this alternative at its November 23, 2010 Development Process Committee meeting and coordinated with various non-profit organizations, housing advocates, and other interested parties. The ILF amendment was originally authorized for advertisement by the Board on July 26, 2011; however, staff received additional comments from industry representatives that warranted additional evaluation of the proposed amendment. After meeting with various interest groups, staff developed a revised amendment that furthered the goal of providing a housing product that will best serve the intended population. The revised amendment was authorized in December 2011 and adopted by the Board on February 28, 2012. The Board requested a follow-on amendment to specify a 35 foot height limit for ILFs that are designed to resemble a single family detached dwelling unit. Authorization of the follow-on amendment is scheduled for May 2012.
- PDC and PRM Districts – FAR. Staff has been working with the Office of Community Revitalization, the Planning Division and the Office of Transportation to facilitate changes to the PDC and PRM Districts primarily for implementation of recently adopted Comprehensive Plan amendments for special study areas. These areas include Commercial Revitalization Districts; Commercial Revitalization Areas; Community Business Centers; and Transit Station Areas. The G7, the group which represents the 7 revitalization districts, were briefed on this item on January 19, 2011, and the Board was briefed at its April 12, 2011, Community Revitalization Committee meeting. A critical component of this amendment is a review of parking rates for areas around transit stations. The Office of Transportation has recently finalized its report and it is under staff review by other departments to include DPZ and OCR. Recommendations from this study will be presented to the Board's Transportation Committee on May 8, 2012.
- Public Entertainment Establishments. This item is in response to a request by the Board to address certain uses that are initially approved as eating establishments, but function primarily as entertainment venues catering to adult customers without appropriate controls. At the Planning Commission public hearing and prior to the scheduled Board public hearing on this amendment, a large amount of opposition was raised regarding the advertised amendment, particularly from the dance community. The Board deferred its March 6, 2012 public hearing and requested staff to work with the various stakeholders

and the Planning Commission to prepare a revised amendment. A work group consisting of Planning Commissioners, representatives from the dance community, land use attorneys and staff met on April 2 and 11, 2012 and a third meeting is scheduled for April 25, 2012, to develop a proposal that will be discussed at the Board's May 15th Development Process Committee meeting.

- Noise. Staff has been working with the Department of Code Compliance and the Police Department and coordinating with other jurisdictions to be able to better address night time noise disturbances to nearby residential areas coming primarily from eating establishments, commercial recreation uses and certain industrial uses and to determine the most appropriate method to measure such disturbances in terms of objectivity, effectiveness, ease of enforcement and being defensible in court.
- Tysons Follow-Up. In order to accommodate the future growth and development of Tysons, there are major ongoing efforts to review proposals and applications submitted pursuant to the June 2010 amendments to the Comprehensive Plan and the new Planned Tysons Corner Urban District.

Proposed 2012 Priority 1 Work Program

The proposed 2012 Priority 1 Work Program contains 23 amendment items for consideration and review. Sixteen items are carryover items from the 2011 Priority 1 list, and 7 are new items. The new items include items pertaining to application fees; an increase in single family detached building height in the R-E and R-C Districts under certain circumstances; minor revisions including Architectural Review Board membership and clarification of "permanent availability" for off-site parking on a contiguous lot; clarify that a certain amount of biotech (bioscience) research and development is permitted as an office use (similar to the Ignite proposal); site plan exemptions; special permit submission requirements; and issues resulting from the 2012 General Assembly.

Conclusion

As you may recall, the Work Program, originally initiated in 1983, contains requests for amendments to the Zoning Ordinance, which originate from the Board, Planning Commission, Board of Zoning Appeals, citizens, industry representatives, and staff. The requested changes vary from major reviews of certain portions of the Zoning Ordinance; to the addition of new provisions to accommodate new concepts and/or uses; to minor clarifying revisions. Staff has included a tentative public hearing timeline for the majority of these items. However, certain items are annotated with an asterisk without any projected timeline and are shown as TBD on Attachments 1, 2 and 3. These items more than likely will not be completed within the 2012 Work Program 12 month time frame, due to finite resources and greater demands placed on staff from other Priority 1 items than originally anticipated. Staff will be present at the Committee meeting on April 18, 2012 to discuss the proposed Work Program and to respond to any questions.

Planning Commission Policy and Procedures Committee

April 12, 2012

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Attachments:

Attachment 1 - Summary Chart of the Status of 2011 Priority 1 Work Program

Attachment 2 - Summary Chart of the Proposed 2012 Priority 1 Work Program

Attachment 3 - Proposed 2012 Priority 1 Zoning Ordinance Work Program

Attachment 4 - Proposed 2012 Priority 2 Zoning Ordinance Work Program

Attachment 5 - New Requests since July 12, 2011

cc: Planning Commission

Fred Selden, Director, DPZ

Barbara Byron, Director, OCR

Tom Biesiadny, Director, DOT

James Patteson, Director, DPWES

Michelle O'Hare, Deputy Zoning Administrator for Ordinance Administration Branch

Lorrie Kirst, Deputy Zoning Administrator for Ordinance Administration Branch

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April 11, 2012

ATTACHMENT 1

2011 Priority 1 Zoning Ordinance Amendment Work Program Status

Adopted	Amendment Authorized	No Amendment Necessary	Amendment Being Researched	Target Date
Grading Plan 7/26/11	Building Height for Certain Independent Living Facilities (3) 5/22/12 Auth.	Minor Revisions – Site Distance on Corner Lots	Farm Wineries (4)	TBD
Housing - Independent Living Facilities for Low Income Residents; ADU Administrative Provisions; Dwelling Unit & Independent Living Facility Definitions 2/28/12	Housing - Independent Living Facilities for Low Income Residents; ADU Administrative Provisions; Dwelling Unit and Independent Living Facility Definitions 10/18/11 Bd. Ind. Deferred (Revised amendment was reauthorized on 1/26/12 & adopted on 2/28/12)	State Code – Property Owner Notice	Gross Floor Area – Cellar Space (5)	10/12
Minor Revisions - Rooftop Guard Rail Height Exclusion - Repair Service Establishments - Home Child Care SE Application Fee - Editorial Revisions 3/20/12	Public Entertainment Establishments (13) 3/6/12 Bd. Ind. Deferred (working on revisions)	State Code – Traffic Impact Submission Requirements	Housing – Study Allowing Affordable/Work Force Dwellings in C and/or I Districts (Priority 2. – No. 19(h))	TBD
P District Recreational Fees 1/10/12	Truck Rental Establishments in PRC District (20) 5/22/12 Auth.		Maintaining Neighborhood Character (Priority 2 – No. 17(g))	TBD
			Minor Revisions (6)	9/12
			Noise (7)	10/12
			Open Space (Priority 2- Nos. 27, 28, 29)	TBD
			Outdoor Lighting (9)	10/12
			Parking Reductions in Transit Oriented Areas (10)	12/12
			PDC and PRM Districts - FAR (11)	12/12
			Planned Development Districts (Priority 2 – No.36)	TBD
			PRC District Density (12)	TBD
			Public Entertainment Establishments (13)	6/12
			R-C District (14)	TBD
			State Code – Development in Dam Break Inundation Zones (18)	9/12
			State Code – Temporary Health Care Structures (19)	10/12
			Yards – Infill (21)	TBD

() Denotes paragraph reference on 2012 Priority 1 Work Program – Attachment 3 or 2012 Priority 2 Work Program – Attachment 4
Highlights denote the items that have been added to the Priority 1 list subsequent to the Board's 7/12/11 endorsement of the 2011 Work Program.

April 11, 2012

2012 Priority 1 Zoning Ordinance Amendment Work Program

ATTACHMENT 2

Carry Over from 2011			New Priority 1	
Amendment Authorized	Amendment Being Researched	Target Date	New Amendments	Target Date
Building Height for Certain Independent Living Facilities (3) 5/22/12 Auth.	Farm Wineries (4)	TBD	Application Fees (1)	1/13
Minor Revisions – Home Child Care Facilities Substitute Providers (6c) 3/6/12 Bd. Dec. Deferred	Gross Floor Area – Cellar Space (5)	10/12	Building Height (2)	10/12
Truck Rental Establishments in PRC District (20) 5/22/12 Auth.	Minor Revisions - Error in Building Location for Detached Accessory Structures (6a) - BZA Approval of Error in Building Location of Less than 10% (6b)	9/12	Minor Revisions - ARB Membership (6d) - Parking (6e)	9/12
	Noise (7)	10/12	Office (8)	9/12
	Outdoor Lighting (9)	10/12	Site Plan Exemptions (15)	10/12
	Parking Reductions in Transit Oriented Areas (10)	12/12	Special Permit Submission Requirements (16)	9/12
	PDC and PRM Districts - FAR (11)	12/12	State Code - 2012 Session (17)	7/12
	PRC District Density (12)	TBD		
	Public Entertainment Establishments (13)	6/12		
	R-C District (14)	TBD		
	State Code – Development in Dam Break Inundation Zones (18)	9/12		
	State Code – Temporary Health Care Structures (19)	10/12		
	Yards – Infill (21)	TBD		
Total Authorized:3	Total Outstanding: 13		New Amendments: 7	

Total Amendments 23

() Denotes paragraph reference on 2012 Priority 1 Work Program – Attachment 3

**Attachment 3
2012 Priority 1**

**PROPOSED 2012 PRIORITY 1
ZONING ORDINANCE AMENDMENT WORK PROGRAM
April 11, 2012**

Highlighted items are those items that are new to the Priority 1 list. Several of the items listed below are annotated with an asterisk (*) without any projected timeline. Although these items are of importance and are listed on the Priority 1 list, these items may not be completed within the 12 month time frame covered by this Work Program if the other higher priority items place greater demands on staff resources than originally anticipated. Additionally, several of the items listed below are annotated with the abbreviation (EAC), as they are directly aligned with the recommendations of the Fairfax County Economic Advisory Commission as presented in its February, 2011 report.

1. Application Fees (New)

As requested by the Board, review the zoning application fees every two years. Review the appropriateness of some of the fees.

January, 2013 Authorization to Advertise; February, 2013 Planning Commission public hearing; March, 2013 Board of Supervisors' public hearing

2. Building Height (New)

Consider increasing the building height for single family detached dwellings in the R-C and R-E Districts when the impact of the increased height on adjacent properties would be mitigated.

October, 2012 Authorization to Advertise; November, 2012 Planning Commission public hearing; January, 2013 Board of Supervisors' public hearing

3. Building Height for Certain Independent Living Facilities (New)

Amend the maximum building height for independent living facilities in the R-E through R-8 Districts from 50 to 35 feet when the building is designed to resemble a single family dwelling and when the applicable minimum yard requirements for the district in which located are used.

May, 2012 Authorization to Advertise; July, 2012 Planning Commission public hearing; September, 2012 Board of Supervisors' public hearing

4. Farm Wineries (EAC – 2011 Priority 1)*

Consider adding regulations for farm wineries.

Monitoring amendment efforts in Albemarle and Fauquier Counties

5. Gross Floor Area – Cellar Space (2011 Priority 1)
Review the definition of gross floor area as to how it is calculated for underground space in areas located outside of the PTC District.

October, 2012 authorization to advertise; November, 2012 Planning Commission public hearing; January, 2013 Board of Supervisors' public hearing

6. Minor Revisions (2011 Priority 1 and New)
Minor revisions to include the following: (a) Clarify that an error in building location special permit or an administrative reduction in minimum required yards pursuant to Sect. 2-419 can be granted for the location regulation for detached accessory structures that requires such structures be setback a distance of their height from the rear lot line; (b) Consider allowing the Board of Zoning Appeals in conjunction with the approval of another special permit to approve an error in building location of less than ten percent. (c) Revise the home child care facility provisions set forth in Par. 6 of Sect. 10-103 to allow for a substitute child care provider for up to 6 weeks per year in accordance with the State's guidelines for licensed home child care providers; (d) Require that at least one of the 10 Architectural Review Board members be an archaeologist; and (e) Clarify the meaning of "permanent availability" in Par. 1 of Sect. 11-102 as it pertains to the use of off-site parking spaces on a contiguous lot.

September, 2012 Authorization to Advertise; October, 2012 Planning Commission public hearing; November, 2012 Board of Supervisors' public hearing

7. Noise (EAC – 2011 Priority 1)
Consider revising the regulations in Sect. 108-4-4 of the Noise Ordinance regarding the method of noise measurement as well as establishment of day time and night time noise levels designed to protect the community. Due to a 2009 Virginia Supreme Court Decision, review the nuisance noise provisions of the Noise Ordinance. Consider the appropriateness of the weekend construction start times; and consider regulating vehicle alarm noise.

October, 2012 Authorization to Advertise; November, 2012 Planning Commission public hearing; December, 2012 Board of Supervisors' public hearing

8. Office (New)
Clarify that a certain amount of biotech (bioscience) research and development is permitted as an office use (similar to the Ignite proposal).

September, 2012 Authorization to Advertise; October, 2012 Planning Commission public hearing; November, 2012 Board of Supervisors' public hearing

9. Outdoor Lighting (EAC - 2011 Priority 1)

Consider revisions to the outdoor lighting standards pertaining to security lighting, outdoor sports facilities and automatic teller machines to improve the overall effectiveness of such provisions; consider requiring Architectural Review Board review of sports illumination plans and photometric plans that are submitted in Historic Overlay Districts when such plans do not require site plan, special permit, special exception, rezoning or development plan approval; and review single family residential lighting exemptions to consider additional requirements for minimum spacing of lighting fixtures and possible limitations on cumulative allowable initial light outputs.

October, 2012 authorization to advertise; November, 2012 Planning Commission public hearing; December, 2012 Board of Supervisors' public hearing

10. Parking Reductions in Transit Oriented Areas (EAC - 2011 Priority 1)

Consider applying parking maximums and a reduction of the minimum parking requirements due to transit oriented areas and/or transportation demand management provisions.

This will be addressed with the PDC and PRM Districts – FAR Amendment (See No. 11 below). December, 2012 authorization to advertise; January, 2013 Planning Commission public hearing; February, 2013 Board of Supervisors' public hearing

11. PDC and PRM Districts – FAR (Environmental Improvement Program and EAC - 2011 Priority 1)

Consider increasing the maximum allowable floor area ratio (FAR) as well as other provisions in the PDC and PRM Districts to facilitate the implementation of the Comprehensive Plan recommendations for Revitalization Districts and Areas, Community Business Centers and Transit Station Areas.

December, 2012 authorization to advertise; January, 2013 Planning Commission public hearing; February, 2013 Board of Supervisors' public hearing

12. PRC District Density (2011 Priority 1)*

Consider possible revisions to the maximum allowable densities and/or persons per acre in the PRC District.

To be processed in conjunction with the Reston Plan update.

13. Public Entertainment Establishments (EAC - 2011 Priority 1)

Consider requiring special exception approval to establish dancing and/or live

entertainment/recreation venues and clarify what is allowed as accessory entertainment to an eating establishment.

June, 2012 authorization to advertise; July, 2012 Planning Commission public hearing; July, 2012 Board of Supervisors' public hearing

14. R-C District (New Millennium Occoquan Task Force Recommendations and EAC – 2011 Priority 1)*

Establish an advisory committee to, among other things, review standards and guidelines associated with special permit, special exception and public uses in the R-C District; review maximum allowable floor area ratios; consider whether standards need to be established for total impervious cover and/or undisturbed open space and review combined impact of the facility footprint and total impervious surface cover, to include parking; and review the Comprehensive Plan to determine if clearer guidance is needed for special permit, special exception and public uses in the Occoquan.

15. Site Plan Exemptions (New)

Consider increasing the amount of gross floor area or disturbed area that is exempt from site plan or minor site plan requirements.

October, 2012 authorization to advertise; November, 2012 Planning Commission public hearing; January, 2013 Board of Supervisors' public hearing

16. Special Permit Submission Requirements (New)

In conjunction with a special permit for an accessory dwelling unit or home professional office, require the submission of a certified dimensioned floor plan for the special permit use and principal dwelling unit that shows all ingresses and egresses, including any window egresses required under the Building Code, gross floor area for both the principal dwelling and special permit use, use of each room, and any kitchen sinks, cabinets or appliances.

September, 2012 authorization to advertise; October, 2012 Planning Commission public hearing; November, 2012 Board of Supervisors' public hearing

STATE CODE

17. State Code (2012 Session)

Possible revisions resulting from the 2012 General Assembly. (Continuing)

July, 2012 authorization to advertise; September, 2012 Planning Commission public hearing; October, 2012 Board of Supervisors' public hearing

18. State Code – Development in Dam Break Inundation Zones (2011 Priority 1)
Incorporate the new requirements for development in dam break inundation zones.

September, 2012 authorization to advertise; October, 2012 Planning Commission public hearing; November, 2012 Board of Supervisors' public hearing

19. State Code - Temporary Health Care Structures (2011 Priority 1)
Incorporate provisions for temporary health care structures (granny pods).

October, 2012 authorization to advertise; November, 2012 Planning Commission public hearing; January, 2013 Board of Supervisors' public hearing

20. Truck Rental Establishments in PRC District (2011 Priority 1)
Consider allowing truck rental establishments in the PRC District as a special exception use and subject to appropriate standards.

May, 2012 authorization to advertise; July, 2012 Planning Commission public hearing; September, 2012 Board of Supervisors' public hearing

21. Yards (Infill Study - 2011 Priority 1)*
Consider revisions to the lot and yard definitions; consider whether front yards should be required from unimproved dedicated rights-of-way.

**PROPOSED 2012
PRIORITY 2 ZONING ORDINANCE AMENDMENT
WORK PROGRAM
April 11, 2012**

New requests are underlined and those proposed for deletion are reflected by strike-throughs.

The Following Abbreviations are used:

Environmental Improvement Program (EIP)
Business Process Redesign (BPR)
Department of Public Works and Environmental Services (DPWES)
Planning Commission (PC)
Board of Zoning Appeals (BZA)
Fairfax County Economic Advisory Commission (EAC)

SOURCE

ACCESSORY USES, ACCESSORY SERVICE USES AND HOME OCCUPATIONS

- | | |
|---|---------------------------------|
| 1. Comprehensive review of accessory uses and structures, to include consideration of issues such as: | Board/PC/BZA/
Staff/Industry |
| <p>(a) The establishment of a maximum height limitation.</p> | |
| <p>(b) Revisions to the location regulations for uses/structures accessory to residential, commercial and industrial uses.</p> | |
| <p>(c) Establishment of a side yard requirement for accessory structures in the PRC District.</p> | |
| <p>(d) Consider revising the height of accessory structures and accessory storage structures that can be located anywhere in the rear or side yards to be the same.</p> | |
| (e) Modify the accessory structure location provisions to require a freestanding wind turbine structure to be setback a distance of its height from all property lines. | Board |
| (f) Review the accessory use limitations to determine whether they adequately address the placement of commercial portable storage containers in commercial districts. | Board |
| (g) Review the allowable placement of roll-off debris containers-dumpsters in residential districts during home improvement projects | Board |

SOURCE

BZA/PC

2. Consider revisions to the accessory service use provisions to include:
 - (a) A clearer distinction between accessory service uses and accessory uses.
 - (b) The appropriateness of whether office buildings in the retail commercial districts should be allowed to have a small deli as a by right accessory service use instead of requiring special exception approval.
3. ~~Consider allowing a fence to be located on a vacant lot even though the fence is an accessory structure and there is no principal use on the lot. [Added to Priority 1 list in 2004 – Issue has been addressed by interpretation.]~~ Staff
4. Consider revising the home occupation provisions to allow a small amount of storage of stock in trade (64 sq. ft.) for a home business conducted via the internet or sales outside of the dwelling unit. Citizen

ADMINISTRATION

5. Consider allowing the Board of Supervisors, Planning Commission and Board of Zoning Appeals to set the day or days to which any public hearing shall be continued due to inclement weather or other conditions without further advertisement or posting of the property. Staff/ General Assembly
6. Revise the cluster provisions to return to the pre-2004 status. General Assembly

BOARDS, COMMISSIONS, COMMITTEES

7. Review Par. 7 of Sect. 19-101 to clarify that the Planning Commission has the authority to make recommendations on variance applications to the Board of Zoning Appeals. Staff

COMMERCIAL ZONING DISTRICTS

8. Consider allowing veterinary clinics in the C-3 and C-4 Districts with use limitations or as a special exception use. Staff

DEFINITIONS AND USE LIMITATIONS

9. Review the following definitions: Staff
 - (a) private schools
 - (b) streets
 - (c) storage yard

SOURCE
Staff/BPR/BZA

10. Add the following definitions
- (a) establishment for production, processing, etc.
 - (b) storage
 - (c) place of worship
 - (d) colleges and universities
11. Review definition and accessory use provisions for commercial vehicles to determine whether existing provisions are adequate, especially review whether the tractor of a tractor-trailer should be allowed. Board
12. Consider excluding patios from the deck definition in order to facilitate the placement of patios in side yards. Staff
13. Consider allowing the use of pervious pavers in more parking situations in order to reduce the amount of impervious surfaces and stormwater runoff. Board/DPWES
14. ~~Revise definition of Quick Service Food Store so that small specialty markets are excluded and allowed as retail sales establishments, also revise use limitations regarding allowing quick service food stores by right in shopping centers. [Added to Priority 2 list in 1993 – No longer an issue.]~~ Board/BPR
15. Consider revising the contractors’ office and shops definition to clarify that the use includes establishments used by paving and road contractors and by facilities that install water and sewer pipes. BZA

GENERAL REGULATIONS

16. District Regulation Interpretations – Consider allowing the transfer of allowable density or gross floor area from parcels located within an identified sending area to parcels located within an identified receiving area. Board
17. Qualifying Lot and Yard Regulations – Consider the following:
- (a) Allow approval of modifications to the setback requirements from railroads and interstate highways in conjunction with review and approval of SP/SE uses. BPR
 - (b) Review of pipestem lot and yard requirements, to include possible addition of illustrations. BPR
 - (c) Review the existing provisions which allow uncovered stairs and stoops to encroach into minimum required yards. Staff
 - (d) Allow certain lattice screening walls and/or limited trellis-like features on Staff

SOURCE

decks for single family dwellings without requiring such features to meet the minimum required yards of the district in which located.

- (e) Addition of shape factor limitations to the R-C District. Board
- (f) Consider requiring greater setbacks for proposed construction in areas influenced by tidal flooding. Board's Environmental Committee
- (g) In order to address compatibility issues associated with new residential development in existing residential areas, review methods, such as lot coverage and square footage maximums. [2011 Priority 1] Board

18. Qualifying Use and Structure Regulations - Consider the following:

- (a) Consider revising the maximum number of horses that may be maintained on a lot. No. Va. Soil and Water Conservation Dist.
- (b) Consider allowing chickens to be permitted on lots less than two acres in size in certain situations. Citizen

HOUSING

19. Consider the following revisions to the ADU program:

Staff

- (a) Allow units that are acquired by the Fairfax County Redevelopment and Housing Authority (FCRHA) and are part of any FCRHA affordable housing program to be considered equivalent.
- (b) Clarify Par. 2B of Sect. 2-812 to indicate that resales can be sold to nonprofits pursuant to the guidelines for new units.
- (c) Increase the closing cost allowance from 1.5% of the sales price to either the actual closing costs or up to 3%, whichever is less.
- (d) For resales, allow 3% of closing costs to be part of the sales price so that applicants can apply for closing costs assistance.
- (e) Establish a for-sale ADU pricing schedule to include the renovation and/or preservation of existing units and condominium conversions. *[Currently under review by consultant.]*
- (f) Consider requiring an ADU bedroom mix of 50% one-bedroom units and 50% two-bedroom units for independent living facilities.

SOURCE

[Place holder until data and resources are available to complete the required survey of independent living facilities in ADUs]

- (g) Determine whether inheritance laws affect the retention of an ADU within the ADU Program in the event of the death of an ADU owner, and if so, whether an amendment is necessary.
- (h) Study the implications of allowing ADUs and/or workforce housing in certain commercial and/or industrial districts, subject to specific standards or by special exception. [2011 Priority 1 list]

- 20. Review the Board of Supervisors' accessory dwelling unit policy in Appendix 5 to determine whether updates are necessary. Staff

INDUSTRIAL ZONING DISTRICTS

- 21. Revise use limitations in I-5 District regarding outdoor storage of trucks and equipment. Board
- 22. Clarify use limitations in the I-5 and I-6 Districts which allow vehicle light service establishments by right. Also consider allowing this use by right in other C and I Districts. BPR

LANDSCAPING & SCREENING

- 23. Comprehensive review of landscaping and screening provisions to include:
 - (a) Appropriateness of modification provisions. BPR/Staff
 - (b) Address issue of requirements when property abuts open space, parkland, including major trails such as the W&OD) and public schools. Staff/EIP
 - (c) Increase the parking lot landscaping requirements. Tree Action Plan/EIP
 - (d) Include street tree preservation and planting requirements. Tree Action Plan
 - (e) Consider requiring the use of native trees and shrubs to meet the landscaping requirements for developments along Richmond Highway. Board
- 24. Evaluate opportunities to include provisions that support and promote sustainable principles in site development and redevelopment, including the application of better site design, Low Impact Development (LIDs) and natural landscaping practices. Tree Action Plan

SOURCE

NOISE ORDINANCE – CHAPTER 108 OF THE COUNTY CODE

25. Comprehensive review of this Chapter to determine if any changes are necessary and to include the consideration of:
- (a) The addition of provisions to regulate helicopter noise at helicopter landing sites. Board/EQAC
 - (b) The addition of leaf blower provisions. Board/Citizens

NONCONFORMITIES – ARTICLE 15

26. Comprehensive review and study, to include addition of provisions to address situations resulting from condemnation of right-of-way by public agencies. Staff/BPR

OPEN SPACE

27. Review of the open space provisions to include: [2011 Priority 1 list – Place holder until new stormwater and LID regulations are in place.] Infill Study/EIP/Staff
- (a) Consider the establishment of minimum sizes/dimensions for required open space areas.
 - (b) Exempt either all or part of stormwater management dry pond facilities from the
 - (c) open space calculations.
 - (d) Provide open space credit for innovative BMPs but not for non-innovative BMPs
 - (e) Allow open space credit only for usable open space.
 - (f) Develop a consistent approach to open space as it relates to various existing and proposed elements of the Comprehensive Plan.
 - (g) Review the general open space provisions to clarify that open space is only intended for land that is dedicated or conveyed without monetary compensation.

SOURCE

OVERLAY DISTRICTS

28. Airport Protection Overlay District - Establish an Airport Protection Zoning Overlay District for Dulles International Airport, Ronald Reagan National Airport and Davison Airfield Board
29. Historic Overlay Districts - Consider the following revisions to the Historic Overlay Districts:
- (a) Consider establishing an historic overlay district for the Lorton Correctional Facility (Laurel Hill). Board
 - (b) Consider requiring all demolition permits for structures listed on the County Inventory of Historic Places to be reviewed by the History Commission prior to the issuance of the permit. History Commission
 - (c) Establish an historic overlay district for Mason Neck. Board

PARKING REQUIREMENTS

30. Study parking requirements for: Board/Staff
- (a) funerals homes
 - (b) places of worship
 - (c) child care centers and nursery schools
31. Consider reducing the minimum required parking requirement for all retail and retail mixed projects and not only those projects that are located near mass transit. *[This item has been incorporated in part in 2012 Priority 1 – No. 10]* Industry
32. Consider limiting the amount of pavement for driveways and parking that can be provided in the front yard of single family detached dwellings in the R-5 and R-8 Districts. Citizen

PLANNED DEVELOPMENT DISTRICTS

33. Consider the following revisions to the Planned Development Districts *[A number of these items will be addressed as part of 2012 Priority 1 – No. 11]* Infill Study/EIP/EAC/PC/Staff
- Clarify the office secondary use limitations in the PDH District; Review the P district purpose and intent statements and the General and Design Standards; Review the minimum lot size and open space requirements; Review the CDP/FDP submission requirements; Review the density credit for RPAs, streams and floodplains; Review the permitted secondary commercial uses in the PDH District and consider increasing the amount of

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commercial uses permitted in a PDH District; Consider allowing the waiver of the minimum district size requirement for additions to existing PDH or PDC Districts; Consider allowing the Planning Commission to waive the 200 foot privacy yard for single family attached dwelling in the PDH and PDC Districts in conjunction with FDP approvals. [2011 Priority 1]

34. Consider allowing vehicle sales and rental establishments in the PDC and PRM Districts with use limitations and special exception approval. Citizen/PC/EIP

PERFORMANCE STANDARDS

35. Review the earthborn vibration performance standards for quarries to facilitate proper enforcement. Staff

SIGNS

36. Review the sign provisions to include the consideration of:
- (a) Allowing auto parks to have the same freestanding signs as currently permitted for an office park. Board
 - (b) Allowing, by special permit, off-site signs based on hardships due to topography or visibility. Board
 - (c) Allowing office parks and industrial parks comprised of a single tenant to be deemed an office/industrial park by revising the definition and to expand or modify the sign provisions for office/industrial parks. Board
 - (d) Review regulations pertaining to temporary political campaign signs. Board
[Given questions regarding legal implications, this item is a place holder until such issues can be addressed.]

SPECIAL EXCEPTIONS/SPECIAL PERMIT USES

37. Consider allowing BZA to modify or waive general standards when uses are proposed for existing structures and/or lots. BPR
38. Consider deletion of requirement for extension requests to be submitted 30 days prior to an expiration date, consistent with renewal requests. Staff
39. Allow BZA to modify special permit additional standards. BPR

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SPECIAL EXCEPTION USES

40. Category 2 Heavy Public Utility Uses – Consider the deletion of special exception requirement in the I-5 District for storage yards and office/maintenance facilities in conjunction with public utility uses, so these uses will be allowed by right. BPR
41. Category 5 Commercial and Industrial Uses of Special Impact – Consider the appropriateness of the list of heavy industrial uses. Staff
42. Category 6 Miscellaneous Provisions Requiring Board of Supervisors' Approval – ~~Consider allowing the Board of Supervisors to increase the maximum building height limitations with special exception approval for residential uses. [Added to Priority 2 list in 2005. This issue will be addressed in conjunction with 2012 Priority 1 – No. 2]~~ Staff
43. Consider increasing the minimum 55 year age requirement for accessory dwelling units. BZA

SPECIAL PERMIT USES

44. Group 1 Extraction and Excavation Uses - Consider expanding the number of property owners that are required to be notified for the renewal of a special permit for a quarry. Board
45. Group 4 Community Uses – Consider allowing community uses to be approved via development plans in the rezoning process in lieu of requiring special permit approval. Staff/BPR

SPECIAL PERMITS – GROUP 5 COMMERCIAL RECREATIONAL USES

46. Group 9 Uses Requiring Special Regulations – Consider the following:
- (a) Revise the reduction of certain yard special permit additional standards to increase the allowable size of an addition and to allow the complete teardown and rebuild of a structure. Board/PC
- (b) Revise the accessory dwelling unit submission requirements, occupancy and lot size limitations. Board

SUBMISSION REQUIREMENTS

47. Revise submission requirements to include identification of heritage resources; and consider expanding the archaeological survey submission requirements to be applicable to all zoning applications and not only those Plan/Board

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applications located in Historic Overlay Districts.

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| 48. Consider adding specificity to the submission requirements for Comprehensive Sign applications. | Staff |
| 49. Consider adding an environmental site assessment submission requirement for site plans and certain zoning applications. | General Assembly |
| 50. Consider the strengthening of zoning application submission requirements to require the submission of a preliminary utility plan where utility construction could conceivably result in clearing of trees. | Tree Action Plan/EIP |

USES

- | | |
|--|-------------|
| 51. Review regulations related to:

(a) adult day care
(b) adult video stores
(b) “doggie” day care
(c) sports arenas, stadiums | Staff/Board |
| 52. Review the drug paraphernalia regulations to determine whether changes are necessary due to State Code revisions. | Staff |

**Attachment 5
New Requests****NEW AMENDMENT REQUESTS SINCE JULY 12, 2011 ENDORSEMENT OF
THE 2011 ZONING ORDINANCE WORK PROGRAM
April 11, 2012**

A total of 10 new amendment requests have been received, and of those, 9 have been placed on either the 2012 Priority 1 or 2 list, and no amendment is required for one.

1. Accessory Dwelling Units - Considering increasing the minimum 55 year age requirement for accessory dwelling units. (BZA) [**Priority 2 – No. 43**]
2. Application Fees – As requested by the Board, review the zoning application fees every two years. Review the appropriateness of some of the fees. (Board) [**Priority 1 – No. 1**]
3. Architectural Review Board Membership – Require that at least one of the 10 Architectural Review Board members be an archaeologist. (Staff) [**Priority 1 – No 6(d)**]
4. Consider increasing the building height for single family detached dwellings in the R-E and R-C Districts when the impact of the increased height on adjacent properties would be mitigated. (Board 7/12/11) [**Priority 1 – No. 2**]
5. Building Height for Certain Independent Living Facilities - Amend the maximum building height for independent living facilities in the R-E through R-8 Districts from 50 to 35 feet when the building is designed to resemble a single family dwelling and when the applicable minimum yard requirements for the district in which located are used. (Board 2/28/12) [**Priority 1 – No. 3**]
6. Home Child Care Facilities – Consider reducing the number of children that may be permitted in a by right home child care facility in single family detached dwellings. (Citizen) [**No Amendment Necessary**]
7. Office – Clarify that a certain amount of biotech (bioscience) research and development is permitted as an office use (similar to the Ignite proposal). (Staff/Industry). [**Priority 1 – No. 8**]
8. Parking – Clarify the meaning of “permanent availability” in Par. 1 of Sect. 11-102 as it pertains to the use of off-site parking spaces on a contiguous lot. (Industry) [**Priority 1 – No. 6(e)**]
9. Site Plan Exemptions – Consider increasing the amount of gross floor area or disturbed area that is exempt from site plan or minor site plan requirements. (staff) [**Priority 1 – No. 15**]

**Attachment 5
New Requests**

- 10.** Special Permit Submission Requirements – In conjunction with a special permit for an accessory dwelling unit or home professional office, require the submission of a certified dimensioned floor plan for the special permit use and principal dwelling unit that shows all ingresses and egresses, including any window egresses required under the Building Code, gross floor area for both the principal dwelling and special permit use, use of each room, and any kitchen sinks, cabinets or appliances. (Staff) [**Priority 1 – No. 16**]