

# Board of Supervisors Land Use Policy Committee

February 4, 2020

Government Center Conference Room 11

## ***Board of Supervisors (Board) Members Present:***

Jeff McKay, Chairman  
James Walkinshaw, Braddock District  
John Foust, Dranesville District  
Walter Alcorn, Hunter Mill District  
Rodney Lusk, Lee District  
Dan Storck, Mount Vernon District  
Dalia Palchick, Providence District  
Pat Herrity, Springfield District  
Kathy Smith, Sully District (Committee Chair)

The Land Use Policy Committee (Committee) meeting was called to order at 11:09 a.m.

Supervisor Smith noted the name for Committee has changed from the Development Process Committee to the Land Use Policy Committee to better represent the work of the Committee.

## **Zoning Ordinance Modernization (zMOD) – Accessory Dwelling Units, Home-Based Businesses, and Freestanding Accessory Structures:**

Staff in attendance were Barbara Byron, Director, Department of Planning and Development (DPD); Leslie Johnson, Zoning Administrator, DPD; Carmen Bishop, Principal Planner, DPD; and Casey Judge, Senior Planner, DPD.

Ms. Judge began with the timeline and outreach efforts of the project, and then highlighted proposed changes to accessory dwelling units. These changes included a change from requiring special permit approval for all interior accessory dwelling units to allowing an administrative approval, as well as a revised maximum size of 1,200 square feet from the current maximum of 35% of the size of the dwelling. If detached, the unit would continue to require a special permit and approval from the Board of Zoning Appeals. Ms. Judge mentioned that staff had received comments on all sides of this issue, and she asked the Committee to think about if they generally supported the proposed approach and if the size ranges were acceptable for advertising purposes. Ms. Bishop presented proposed changes to the home-based business use, which included an advertising range on number of customers and number of employees. The draft text did not include limitations on stock in trade, size, or number of deliveries, but these were ideas that could be considered. Ms. Bishop said staff had also received many comments on this topic, and she asked the Committee to provide feedback on if they generally supported the approach, if

other limitations should be applied, if the advertising ranges were acceptable, and if the types of allowed home-based businesses should be revised. The last main topic included changes to freestanding accessory structures, including a size and setback range, as well as a proposed new maximum height limitation. The Committee was asked to consider the range of height limitations proposed. Additional information on decks and patios, electric vehicle charging, and solar collection systems was included in a distributed handout.

**Accessory Dwelling Units:** There were questions about accessory dwelling units, including the differences between a by-right addition that would not require legislative action and one that would qualify as an accessory dwelling unit. Staff discussed some of the concerns that have been raised, particularly surrounding parking and preserving older residential neighborhoods. Some of the Committee members supported the elimination of the age and disability limitation, especially as there seemed to be a number of illegal accessory dwelling units. Adding flexibility and legalizing these units may help to resolve the health, safety, and welfare concerns surrounding existing illegal units. If the age and disability standards were removed, this should be discussed during public outreach meetings with the community. Questions about the size were raised, including why the 35% maximum size was replaced with a square footage, especially on larger lots where scale can be taken into consideration. One of the Committee members would not support this proposal if it did not include an age or disability limitation. It was asked why an accessory dwelling unit could be built for a mother but not for a child returning home from college. Standards restricting size and ensuring ample parking were of interest, especially considering the complaint-based nature of the County's enforcement system. An administrative permit would allow inspection of the property.

**Home-Based Businesses:** There were discussions about the high cost of a special permit application for a home professional office under the current Ordinance. Fees would be looked at as a part of this process or as a separate component, but a cost for the administrative permit would be assigned. Many Committee members were supportive of additional flexibility for startups and businesses operating out of the home. Parking was the biggest concern related to this use. Some thought that it would be very difficult to limit the size of the business and the number of deliveries.

**Freestanding Accessory Structures:** There was a comment ensuring that tree houses would be excluded from the maximum height limitation.

**Decks and Patios:** There was a request to increase the maximum height of design features located on a deck, such as a pergola, from seven feet to at least eight and one-half feet.

**Agritourism Zoning Ordinance Amendment:**

Sara Morgan, Senior Planner, DPD, presented proposed Zoning Ordinance amendment regarding agritourism. Staff in attendance were Barbara Byron, Director, DPD; Leslie B. Johnson, Zoning

Administrator, DPD; William Mayland, Deputy Zoning Administrator, DPD, and Elizabeth D. Teare, County Attorney.

Ms. Morgan provided an overview of the proposed Agritourism Zoning Ordinance amendment, including discussion on the current provision in the Zoning Ordinance and the approach to the proposed revisions based on the Zoning Ordinance Amendment Work Program. The specific proposed revisions were highlighted, including the scaled approach to agritourism activities, increasing the allowance for farm worker housing, revising the Purpose and Intent of the R-A District, increasing the acreage required to establish agriculture in the R-1 District, and the creation of a new special exception use, Rural Resort. The outreach on the amendment was also noted.

The Committee asked questions about the number of properties that would no longer be in compliance as a result of the proposed changes to the R-1 District, expressed concern over the establishment of the Rural Resort use in the R-C District however would like staff to look into how this use would be possible, the implication of the Building Code exemptions on agricultural properties, and planned outreach. In response to questions, staff provided a brief background on the R-1 District GIS parcel analysis that has taken place along with the intended research into the land use of those parcels. Additionally, Ms. Teare indicated the Building Code exemptions would not be addressed through this amendment as they are dictated to localities by the Uniform Statewide Building Code. Lastly, staff stated that a list of Land Use Committees was being compiled and would be happy to add specific groups at the direction of the Supervisors.

The Committee meeting adjourned at 12:39 p.m.

The next Committee meeting is scheduled for March 31, 2020, at 11:00 a.m.