

**ADOPTED 2017 PRIORITY 1  
ZONING ORDINANCE AMENDMENT WORK PROGRAM  
Narrative and Recommended Timing**

Below is an alphabetical list and description of the amendments proposed to be evaluated as part of the Priority 1 amendments identified in the 2017 Zoning Ordinance Amendment Work Program (ZOAWP). Timing for consideration of the proposed amendments is identified as either “First Tier”, “Second Tier” or “To Be Determined (TBD).” The First Tier amendments are anticipated to be reviewed and brought forward for discussion/authorization within the first six months of the Fiscal Year 2018 covered by this 2017 ZOAWP. The items identified as Second Tier would be considered in the second half of the fiscal year and those identified as “TBD” would be included with other items or brought forward throughout the term of the 2017 ZOAWP. **Highlighted** items are new amendments on the Priority 1 list and the remainder are carry-over items from the 2016 ZOAWP. Amendments to be considered as part of the Zoning Ordinance Modernization (zMOD) Project are identified at the end of this document.

**Priority 1 ZOAWP – First Tier (Except as Noted)**

- 1. Agricultural Districts and Uses** (2016 Priority 1, with added specificity) – Review zoning districts in which agricultural activities are permitted; address trends to include more community-based and urban agricultural forms; address agritourism uses as set forth in the State Code; and review provisions allowing for the sale of agricultural/garden products.
  - a. Community Gardens/Urban Agriculture
  - b. Sales/distribution of Garden/Farm Products (including wayside stands, farm markets, open air produce stands, farmers’ markets)
  - c. Agritourism Uses
  - d. Industrial, Commercial and Container Agriculture (**Second Tier**)
  - e. Residential Gardening as an Accessory Use (**Second Tier**)
  - f. Industrial Composting (**Second Tier**)
  
- 2. Older Adult Accommodations and Services** – (Fairfax 50+ 2016 Priority 1)
  - a. **Continuing Care Communities (NEW)**  
Develop a new district or use that would accommodate a spectrum of institutional uses, accommodations, and associated convenience/service uses in a single development. This district/use would be in addition to the existing uses of Independent Living Facility, Assisted Living Facility, Congregate Living, Medical Care Facility and other associated uses.
  - b. Adult Day Health Care (2016 Priority 1)  
Consider adding adult day care as a new use subject to use limitation and determine if the use should be permitted by-right or subject to a special exception. Staff will

consider this item in the context of the Continuing Care Communities amendment.

c. Other changes identified by the 50+ Plan initiatives **(Second Tier)**

May include such factors as: updated terminology to describe uses; review of existing parking regulations; review of minimum acreage requirements for certain uses; composition/timing/scope of involvement of the Health Care Advisory Board; and opportunities for expansion of the use of accessory dwelling units for older adults.

**3. Parking** (2016 Priority 1 and Economic Success)

- a. Consider eliminating reductions for proffered transportation demand management programs.
- b. Consider administrative approval for certain shared parking agreements.
- c. Consider other changes that would streamline the parking reduction process.
- d. Consider applying parking maximums and/or reductions of the minimum parking requirements in transit oriented areas outside Tysons. **(Second Tier)**

**4. P-District Recreation Fees** (2016 Priority 1)

Consider increasing the minimum expenditure per dwelling unit for recreational facilities required in the PDH, PDC, PRM and PTC Districts.

**5. Planned Residential Community (PRC) District Density** (2016 Priority 1)

Consider possible revisions to the maximum allowable densities and/or persons per acre in the PRC District to facilitate the implementation of the Reston Master Plan.

**6. Planned Residential Mixed Use (PRM) District - Final Development Plan** (New – Economic Success)

Consider allowing a final development plan to be submitted on a portion of the property subject to conceptual development plan approval in conjunction with a PRM District Rezoning.

**7. Rear Yard Coverage** (2016 Priority 1)

- a. Clarify how the 30% coverage limitation within the minimum required rear yard is calculated.
- b. Consider increasing the percentage of coverage permitted and/or eliminating the requirement for certain sized lots.

- c. consider allowing modifications of the maximum lot coverage requirement in a rear yard to be approved by the BZA as a special permit.

**8. State Code Changes** (New)

- a. Short-term/homestay rentals (Board Request)  
Initiate an analysis of short-term/homestay rental business models in residential areas and develop regulations that balance the interests of entrepreneurs with those of the community, safeguard local revenue sources and mitigate land use impacts. The State Code changes grant considerable flexibility to allow localities to establish regulations for short-term/homestay rental business models.
- b. Small cell wireless facilities  
Consider creating a zoning permit approval process for the installation of a small cell facility on an existing structure to implement Senate Bill 1282.
- c. Other Possible State Code changes that would necessitate a change to applicable zoning provisions.

**Priority 1 ZOAWP – Second Tier**

**9. Accessory Structure Size** (2016 Priority 1)

Consider limiting the size of an accessory structure relative to a principal structure that can be permitted by right and allowing larger accessory structures with special permit approval by the BZA.

**10. Application Fees** (2016 Priority 1 and New)

- a. Consider adding fees for review of Public Facilities under §15.2-2232 and fees for modifications to existing wireless facilities under Sect. 6409 of the Spectrum Act.
- b. Evaluate zoning application fees in conjunction with the next budget cycle to determine if adjustments are warranted.

**11. Laurel Hill Historic Overlay District** (2016 Priority 1)

Establish a Laurel Hill Historic Overlay District as anticipated by the 2001 Memorandum of Agreement (MOA) between Fairfax County and the federal government for the former Lorton Correctional Complex.

**12. Outdoor Lighting** (2016 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.

**13. Site Plan Provisions** (New – Economic Success)

Clarify the qualification criteria for site plan exemptions.

**Priority 1 ZOAWP – Timing To Be Determined**

**14. Editorial and Minor Revisions** (New)

- a. Accessory Dwelling Units – clarify Special Permit provisions to specify the minimum standards for a unit to be deemed to be fully within a principal dwelling on lots of less than two acres.
- b. Children’s Play Structures – delete the 100 sq.ft. size limit and treat these structures similar to other accessory structures in terms of purpose, area and extent
- c. Definitions
  - (1) Lot Line – consider revising the definition so that measurements for curved lot lines are no longer based on the chord of the arc.
  - (2) Lot Width – consider allowing lot width to be measured along any street on a through lot and clarify that lot width is measured from the local street on a reverse frontage lot.
- d. Editorial - Delete “Par. 1 through 5” reference in Par. 5 of Sect. 16-401 (Conceptual Development Plan) – this is simply an editorial change.
- e. Keeping of Animals – delete the provision regarding animals kept on a property prior to October 11, 1977, as the provision is no longer valid.
- f. Nonconformities – clarify the time limit in which a discontinued use that had been permitted by right under previous provisions, but which requires special exception or special permit approval under the current provisions, may be re-established.
- g. Planning Commission Membership – change “freeholder” reference to “landowner.”
- h. Private/Fraternal Clubs – clarify parking requirement to reflect the number of people in attendance is based on maximum number attending at any one time rather than the total number of members of the club.
- i. Revisions to Department Name –change references to “Director” from Department of

Public Works and Environmental Services to Land Development Services.

- j. Temporary Mobile and Land Based Telecommunications Testing Facilities – delete this use, as technology has rendered it obsolete.
- k. Temporary Special Permits (TSP) – delete the \$100 cash escrow requirement for certain TSP uses.
- l. Yard Sales - clarify the type of household items that are permitted to be sold at yard sales associated with a dwelling.

### **Zoning Ordinance Modernization (zMOD) Initiatives**

- 1. Re-Format and Restructure Provisions** - to include use of tables, illustrations and web-enabled links/content, to create streamlined, user-friendly document that is usable on multiple electronic platforms
- 2. Minor Modification Provisions** - allow more flexibility in administrative approval by staff of minor modifications for approved RZs, SEs and SPs, as well as administrative approval by the Board of limited minor changes, for example, allowing additional FAR caused by building façade changes or accommodating new uses when allowed in the district.
- 3. Use Categories** - to include combining uses into more generic categories to accommodate emerging trends, reduce need for determinations and to more accurately reflect current/future changes in the industry. The first phase of this item will include the retail/restaurant/fast food/quick service food store/and other similar uses.
- 4. PDH District Regulations** - to include review of the Purpose and Intent provisions, as well as yards, uses, processes and issues impacting homeowners, particularly related to small-scale PDH developments, including HOA maintenance and other topics.
- 5. Sign Ordinance** – in two parts: First, content neutrality; Second, size, height and location considerations and Comprehensive Sign Plan review process.
- 6. Building Repositioning/Repurposing** – amendments to facilitate building repositioning, repurposing, and emerging trends such as office-to-residential/mixed use conversions, flex units, maker spaces, and additional repurposing and repositioning recommendations.