

**ZONING ORDINANCE WORK PROGRAM (ZOWP)
PRIORITY 2**

The following abbreviations are used in this document:

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| ARB - Architectural Review Board | EIP - Environmental Improvement Program |
| BOS - Board of Supervisors | EAC - Fairfax County Economic Advisory Commission |
| BZA - Board of Zoning Appeals | HCAB - Fairfax County Health Care Advisory Board |
| BPR - Business Process Redesign | PC - Planning Commission |
| DPWES - Department of Public Works and Environmental Services | |

TOPIC	SOURCE (Year Item Added to Work Program)	KEEP ✓ ADD + REMOVE X	NOTES
ACCESSORY USES AND STRUCTURES			
1. Comprehensive review of accessory uses and structures, to include consideration of issues such as:			
A. Modify the accessory structure location provisions to require a freestanding wind turbine structure to be setback a distance equal to its height from all property lines.	BOS (2009)	X	More restrictive than the current requirements and no action for 15 years.
B. Review the allowable placement of roll-off debris containers/dumpsters in residential districts during home improvement projects.	BOS (2004/moved to Priority 2 in 2010)	X	Staff treats this use like shipping containers under subsection 4102.7.A(12) of the Zoning Ordinance and they are not permitted except during construction with an active building permit. No action for over 10 years.
C. Consider establishing a minimum distance a fence can be located from a pipestem driveway.	Staff (2014)	X	The height of fences are regulated but not location except to ensure sight distance on a corner lot. As proposed, this would create additional restrictions

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			for pipestem lots. No action for 10 years.
2. Review the fence height allowed for substations and wireless facility approved with a special exception.	Staff (New)	+	By interpretation staff has permitted fencing to be considered as part of the facility and since the facility is exempt from Zoning Ordinance bulk regulations fences have been allowed to exceed the Zoning Ordinance height limits.
3. Consider adding standards for the review of accessory structures on residential lots larger than 36,000 square feet.	Staff (New)	+	Staff reviews accessory structures for larger lots on a case-by-case basis to determine if they meet the provisions of subsection 4102.7.A . For lots under 36,000 square feet, accessory structures are limited to 50 percent of the gross floor area of the dwelling unit. Staff proposes to further study this issue to consider the establishment of specific use standards on the size of accessory structures for larger lots.
GENERAL REGULATIONS			
4. Consider revising the cluster provisions to delete the bonus density option.	General Assembly (2007)	X	The Zoning Ordinance was amended in 2004 to address State Code mandate to provide bonus density for cluster subdivisions. In 2007 the General Assembly restored a local option for providing density bonus. Maintaining the bonus option can incentivize cluster

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			subdivisions which help preserve open space. No action for over 10 years.
5. Consider allowing administrative approval for an error in building height (similar to error in building location) for small modifications to building height for new construction.	Industry/BZA (2018)	X	New construction should be able to meet the height restrictions and a variance is an option if height is exceeded. No action for over 5 years.
6. Review the definition of gross floor area to consider including cellar space in all districts consistent with the PDC, PRM, and PTC Districts.	Staff (2022)	✓	To provide consistency in the definition of gross floor area for all zoning districts staff recommends that this item be retained.
7. 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.	BOS (2007)	X	No action for over 15 years.
8. Exempt floor area used for public use from the density calculations on a property.	Economic Success Plan (2017)	X	Public uses are allowed in every zoning district; however, they are subject to the FAR and setbacks of the zoning district. If a public use needs to exceed the permitted FAR a rezoning could be requested, if located in an R-Districts or PDH Districts. No action for over 5 years.
9. Lot and Yard Regulations – Consider revising the provisions of lots contiguous to pipestem driveways to remove the language “serving more than one pipestem lot.”	Staff (2014)	X	Subsection 5100.2.L(2) regulates yards adjacent to pipestem driveways and requires a 25-foot setback if the pipestem serves more than one lot. Removing the language would require the 25-foot setback for any pipestem driveway and

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			further restrict location of structures. No action for 10 years.
10. 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 & Water Conservation District (2009)	✓	Due to recent changes to the state code the Zoning Ordinance was updated for horses to be considered livestock on properties 7 acres and larger without restrictions. Currently 3 horses per acre are permitted on sites between 2 and 7 acres. Northern Va. Soil and Water Conservation District staff has advised staff that 1 horse per acre is a more appropriate number. Staff recommends that this item be retained.
B. Consider revising the permissions for personal service establishments to be allowed in the C-1 through C-4 Districts.	Staff (New)	+	These uses are permitted if considered an associated service use in accordance with subsection 4102.1.G of the Zoning Ordinance. However, the use standards require that the use serve primarily the tenants of the building in which located which can otherwise limit the establishment of this use in the office districts.
C. Review the provisions for accessory retail sales with warehouse uses.	Staff (New)	+	Subsection 4102.6.D permits accessory retail sales are allowed for warehouses in the I-4, 1-5 and I-6 District from a range of 25 to 60 percent. Retail sales are not allowed for this use in the I-3 District. Staff recommends these limits

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			be further studied.
11. Review regulations related to sports arenas and stadiums	Staff/BOS (1993)	X	This use is permitted only by special exception or through an entitlement process, but there are no specific use standards. No action for 30 years.
12. Review the definition of a shopping center to include the first floor of a mixed-use building.	Staff (New)	+	By interpretation staff has considered the first-floor retail in a mixed-use building as a shopping center for the purpose of determining required parking, and recommends clarifying the definition for consistency
HOUSING			
13. Consider the following revisions to the Affordable Dwelling Unit (ADU) program:			
A. Clarify subsection 5101.8.C(2) to indicate that resales can be sold to nonprofits pursuant to the guidelines for new units.	Staff (2009)	X	Staff recommends items A-F be removed from the Priority 2 ZOWP and replaced with item #14.
B. 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.	Staff (2009)	X	
C. For resales, allow 3% of closing costs to be part of the sales price so that applicants can apply for closing costs assistance.	Staff (2009)	X	
D. Establish a for-sale ADU pricing schedule to include the renovation and/or preservation of existing units and condominium conversions.	Staff (2004)	X	

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E. Consider requiring an ADU bedroom mix of 50% one-bedroom units and 50% two-bedroom units for independent living facilities.	Staff (2007)	X	
F. 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.	Staff (2006)	X	
G. 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.	Staff (2011)	X	Priority 1 ZOWP includes considering zoning changes to support new affordable housing initiatives and land use policies and this item could be part of that initiative.
H. Review the ADU program exemptions set forth in subsection 5101.3 that exclude certain types of developments from the ADU requirements.	Fair Housing Action Plan (2018)	X	The Workforce Dwelling Unit policy applies to all construction types and with the 2021 update that lowered the Area Medium Income (AMI) for rental units more affordable housing is being provided at levels comparable to the ADU ordinance.
I. Evaluate the definitions of Affordable Housing and Affordable Dwelling Unit Development in Article 9 to determine whether current income thresholds are appropriate or if they should be aligned with the definitions used by Housing and Urban Development (HUD).	Fair Housing Action Plan (2018)	X	The definitions in Article 9 do not require an income threshold and this should be studied as part of item #14.
14. In coordination with the Department of Housing and Community Development (HCD), consider the removal of the administrative requirements for ADUs related to resales, closing cost allowances, bedroom mix, income thresholds and other administrative	Staff (New)	+	Moving administrative language out of the Zoning Ordinance and establishing separate guidelines will make it easier for Redevelopment Housing Authority

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provisions from the Zoning Ordinance and establish them as administrative guidelines approved and amended by the Redevelopment and Housing Authority (RHA).			and Housing and Community Development to update as necessary.
15. Other Housing Policies – Consider increasing the number of persons with disabilities permitted in a group residential facility from eight to 12 by right; consider use of a special permit process or other type of reasonable accommodation process to permit more than 12 people with disabilities in a community residence and decrease application fees associated with these types of applications.	Fair Housing Action Plan (2018)	X	Group residential facilities for up to eight people are permitted by right in a dwelling unit as required by State Code 15.2-2291. Facilities with more than eight residents or that do not meet the definition of Group Residential Facility are permitted with Special Exception approval as a Congregate Living Facility.
16. Residential Studios – Establish a new use and associated use standards for an affordable housing product generally designed for one person per unit.	BOS (2015)	X	No action for over 5 years. Other housing initiatives are addressing permanent supportive housing. See Item #2 on proposed FY 2024/2025 Work Program.
OPEN SPACE AND CLIMATE INITIATIVES			
17. Climate Action and Resiliency Initiatives – Consider zoning changes requiring greater setbacks for proposed construction in areas influenced by tidal flooding. In addition, 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 standards 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	BOS Environmental Committee/New Millennium Occoquan Task Force/EAC (Tidal flooding setbacks – 2009; Advisory committee –	✓	Regardless of the time this item has been on the Priority 2 ZOWP staff recommends this item remain due to Board priorities related to climate initiatives.

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for special permit, special exception, and public uses in the Occoquan watershed.	2013/moved to Priority 2 in 2014)		
18. Review of the open space provisions to include:			
A. Exempt either all or part of stormwater management dry pond facilities from the open space calculations.	Infill Study/EIP/Staff (2001)	✓	Regardless of the time these items have been on the Priority 2 ZOWP staff recommends that they remain and be monitored as part of Resilient Fairfax and to reflect Boards' priorities related to open space.
B. Provide open space credit for innovative BMPs but not for non-innovative BMPs	Infill Study/EIP/Staff (2001)	✓	
C. Develop a consistent approach to open space as it relates to various existing and proposed elements of the Comprehensive Plan.	Infill Study/EIP/Staff (2001)	✓	
D. Review the general open space provisions to clarify that open space is only intended for land that is dedicated or conveyed without monetary compensation.	Infill Study/EIP/Staff (1986)	✓	
OVERLAY DISTRICTS			
19. Airport Protection Overlay District - Establish an Airport Protection Zoning Overlay District for Dulles International Airport, Ronald Reagan National Airport, and Davison Airfield regarding maximum structure height.	General Assembly 1989	✓	Added in 1998. Additional research is required. Note: There is Comprehensive Plan guidance in the Area Plan Overview for Allowable Height of Structures in the Vicinity of Dulles Airport 2017 Comprehensive Plan - Area Plan Overview (fairfaxcounty.gov)

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21. Historic Overlay Districts/Historic Structures			
A. Laurel Hill – Establish 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.	BOS/Staff (2002)	✓	Establishment of a Historic Overlay District (HOD) is anticipated as part of the MOA and staff recommends that this item be retained.
B. Require 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 (2005)	✓	The Planning Division heritage resource staff recommended that this item be retained.
C. Establish an historic overlay district for Mason Neck.	BOS (1992)	X	The Planning Division Heritage Resource staff previously explored this HOD with the community and there was a lack of support. No action for over 30 years.
PARKING			
22. Consider the following revisions to vehicle parking on lots with single-family detached dwellings:			
A. Limit the amount of pavement for driveways and parking in the R-5 and R-8 Districts.	Staff (2009)	X	Parking Reimagined considered these topics and elected not to pursue additional restrictions. Existing rear yard coverage limitations would be applicable.
B. Limit parking for all vehicles or trailers to the front yard and only on a paved surface.	Staff (2014)	X	
23. Regulate the maximum size of personal vehicles that are permitted to park in a residential district.	Staff (2017)	X	
24. Consider the establishment of pathway connections between rights-of-way and on-site bicycle/pedestrian pathways.	Staff (2018)	X	Parking Reimagined is proposing requirement for a pedestrian route in parking lots that connects the business

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			with the sidewalk.
PERFORMANCE STANDARDS			
25. Review the earthborn vibration performance standards .	Staff (2004)	X	No action for 20 years.
PLANNED DEVELOPMENT DISTRICTS			
26. Consider the following revisions to the Planned Development Districts:			
A. Review minimum lot size and open space requirements, and density credit for RPAs, streams and floodplains; review permitted secondary commercial uses in the PDH District and consider increasing amount of commercial uses permitted; allow the Planning Commission to waive the 200 square foot privacy yard for single family attached dwellings as part of FDP approvals; consider revising the 600 foot limit on private streets; and consider changes to the PRM/PDC District regulations related to mixed use districts.	Infill Study/EIP/EAC/PC/Staff (2012/2017/2018)	✓	To be retained for possible future study.
B. Reston PRC District Density Provisions	BOS (2019)	X	The Board elected to not to move forward with this amendment in 2019.
SHORT-TERM LODGING			
27. Consider the following revisions relating to Short-Term Lodging:			

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A. Commercially Operated – Consider changes that would permit new multifamily dwelling unit developments to provide units on a short-term basis for a limited percentage of the units and over a limited period of time during lease-up period; consider allowing multifamily buildings to offer a small percentage of the total unit count as short term rentals that are commercially managed.	BOS (2018/moved to Priority 2 in 2022)	✓	This item was recently added and should be retained for future study.
B. Consider specifically adding Short-Term Lodging to the types of violations that are subject to a 10 day versus 30 day timeline for filing an appeal application.	Staff/BZA	+	Currently violations relating to Short-Term Lodging are provided a 10-day appeal period based on subsection 8100.10.A(2)(b)(7) which allows other non-specified short-term, recurring violations to be subject to a 10-day appeal period.
SPECIAL EXCEPTIONS			
28. Light Utility Facility Uses – Consider revisions to strengthen the additional standards for these uses and add provisions to protect adjacent residential uses.	Staff (2018)	✓	This subsection was updated as part of zMOD, but additional editorial revisions to the definition and standards may be considered.
29. Consider establishing Country Inn as a new special exception use in the R-C, R-E, and R-1 Districts with appropriate acreage and standards.	BOS/Staff (2020)	X	Staff explored this option with the agritourism amendment and it did not receive support from the community or Board.
SPECIAL PERMITS			

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30. Consider allowing BZA to modify or waive general standards when uses are proposed for existing structures and/or lots.	BPR (1993)	X	Given the length of time these items have been on the work program without action, staff recommends that they be removed.
31. Consider deletion of requirement for extension requests to be submitted 30 days prior to an expiration date, consistent with renewal requests.	Staff (1993)	X	
32. Extraction Activity Uses - Consider expanding the number of property owners requiring notification for the renewal of a special permit for a quarry; and revise the blasting vibration maximum resultant peak particle velocity to be consistent with state regulation 4VAC25-40-880.	BOS/PC (2007 – 1 st part 2016 – 2 nd part)	X	
SUBMISSION REQUIREMENTS			
33. 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 applications located in Historic Overlay Districts.	BOS/PC (2007)	X	Since 2007, staff has implemented a more formal pre-application review process which include staff from the Park Authority and Heritage Resources. These staff review and provide comments to applicants on potential Heritage and Archaeological resources prior to application submission. Therefore, staff recommends this item be removed.
34. Consider adding an environmental site assessment submission requirement for site plans and certain zoning applications.	General Assembly (2007)	X	This is not a mandate and given the length of time this item has been on the work program without action, staff recommends that this item be removed.