

### NOTABLE CHANGES FROM THE MARCH 21, 2023, DRAFT TEXT

May 30, 2023

#### Introduction

On March 21, 2023, the Board of Supervisors (Board) authorized advertisement of public hearings on this amendment and public hearings were scheduled before the Planning Commission on April 19, 2023, and before the Board on June 6, 2023. However, on March 23, 2023, the Virginia Supreme Court issued an opinion in *Berry vs. Board of Supervisors* declaring the County's 2021 Zoning Ordinance, adopted in March 2021 and commonly referred to as zMOD, void *ab initio*. Since the proposed parking amendment was based on the zMOD Ordinance, the scheduled public hearings were placed on hold and not advertised. On May 9, 2023, following public hearings held by the Planning Commission and the Board, the Board voted to readopt the 2021 Zoning Ordinance as amended through March 22, 2023, as Chapter 112.2 of the County Code. During this time frame, staff continued to review the project recommendations as well as consider community and consultant input. An updated version of the proposed amendment text with changes from the previous Board Item shown in strike through and underline is available on the [project webpage](#). Edits have been proposed in several subsections for plain language and improve readability. Unless noted below these edits made no substantive changes to the proposal.

#### 6100.1 Off-Street Parking

- ❖ **Parking Tabulations:** Added requirement that a tabulation for bicycle parking be provided with a site plan or minor site plan for a new structure or a change in use resulting in an increased parking requirement. The new language is being proposed to be added to be clear that in addition to vehicle parking tabulations and tabulation is required for bicycle parking.

#### 6100.2 Off-Street Parking Standards, Layout and Design

- ❖ No substantive changes to the proposal.

#### 6100.3 Calculation of Off-Street Parking

- ❖ **Applicability of number of employees and 'major shift':** New subsection added to clarify that when the number of employees is used for parking calculations it is based on the number of employees on a major shift versus the entire number of employees. This clarification is consistent with past interpretations.

## 6100.4 Minimum Required Off-Street Vehicle Parking Spaces, and Stacking Spaces

- ❖ **Deletion of 'major shift' language:** Removed the term 'major shift' from the table when parking is based on employees and relocated the language to subsection 6100.3.
- ❖ **Community Swim, Tennis, and Recreation Club:** The community pools rate was revised to permit a proportional reduction of spaces for members that live within one half mile of the facility. The change was made to provide guidance to the Director regarding when a lower number of spaces may be permitted. Recreation club now proposes a minimum rate instead of a determination of the rate by the Director.
- ❖ **Miscellaneous Revised Rates:** The proposed rates for a cemetery, crematory, catering, indoor and outdoor commercial recreation uses were revised to permit these uses to also be based on number of employees or the size of the building, whichever results in a lower requirement, since these uses may have a small number of employees in relation to the building size.

## 6100.5 Tiered Framework and PTC District - Off-Street Parking Requirement

- ❖ **Revitalization:** Modified the staff recommendation for multifamily dwelling units to be 80 percent of the base rate which was previously an option. A requirement based on the number of bedrooms is now an option.
- ❖ **PTC Multifamily:** The current Zoning Ordinance bases the minimum and maximum parking for multifamily dwellings on the dwelling unit with different rates for 1-, 2- and 3-bedroom dwelling units. The proposal bases the minimum parking on the total number of bedrooms in the building, which in the staff's opinion is a more accurate assessment of parking demand. With the change in how minimum and maximum rates were calculated staff wanted to make sure the proposed maximum rates were consistent with the current restrictions. The proposed maximum rates reflect the current maximum rates for 0-1 bedroom units with the same proportional increase in maximum parking as an increase in bedrooms.
- ❖ **PTC Hotel:** Adjusted the maximum parking rate in the non-TOD area from 1.08 spaces to 1.1 acres per rental units which is 110 percent of the base rate and consistent with other maximum rates in the non-TOD area.

## 6100.6 Adjustments to Minimum Required Off-Street Parking

- ❖ **Generally:** Added criteria that the applicant demonstrates to the Boards satisfaction that there be no adverse impact to adjacent properties and that fewer spaces will adequately serve the use when considering an adjustment to the rates.
- ❖ **Director Approval:** Reduced the authority of the Director to approve a transit related reduction up to 30 percent (formerly 50 percent). Except for shared parking, all other reduction options, and reductions greater than 30 percent require Board approval.
- ❖ **Utilization Study:** Added an additional subsection that permits the Board or Director to request a parking utilization study if a parking reduction results in inadequate on-site parking. Alternative measures to satisfy the parking needs of the property can be required because of the study.
- ❖ **Transit-Related:** Added requirement that any adjustment be proportional to any reduction facilitated by TDM, bicycle parking or quality of adjacent pedestrian facilities.

## 6101 Off-Street Loading

- ❖ **Calculation:** A new subsection is added to clarify how to calculate the loading space requirement. When the gross floor area of the use of the building is below 10,000 square feet only an adequate receiving facility is required. When the use or building is greater than 10,000 square feet the entire area of the use or building is used to determine the loading requirement and normal rounding is used.
- ❖ **Adjustments:** Revised the subsection to separate the criteria for when the Board and Director may modify the loading space requirement. The Board retains the ability to modify the spaces as part of a rezoning or special exception when fewer spaces are needed and will not adversely affect the adjacent properties. The Director may only approve a modification when the loading is being shared between users or an adequate receiving facility could be used instead of a loading space.

## 6102 Bicycle Parking Requirements

- ❖ **Adjustments:** Revised to remove the ability of the Director to lower the requirements for bicycle spaces. The Director, in consultation with the Fairfax County Department of Transportation, may permit the spaces to be relocated but not reduced.
- ❖ **Residential and Commercial Requirements:** Increased the required bicycle parking percentage.
- ❖ **Quasi-Public Park, Playground, or Athletic Field:** Revised to base bicycle parking on provided, instead of required, vehicle spaces since staff is not proposing a minimum vehicle parking requirement for this use.