



# County of Fairfax, Virginia

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

## **zMOD Follow-Up Discussion Handout for Land Use Policy Committee Meeting February 4, 2020**

This handout provides an update on certain topics related to specific uses and standards that are of relevance to County residents, including a summary of comments received since May 2019; proposed revisions to previous zMOD drafts; and discussion items based on recent outreach. The following topics are included: accessory dwelling units, home-based businesses, freestanding accessory structures, decks and patios, electric vehicle charging, and solar collection system. For the presentation to the Land Use Policy Committee, staff will focus on the first three topics. Draft text is included as Attachment 1, and the summary of comments is included as Attachment 2.

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### **Accessory Dwelling Units**

Consideration of revisions to the standards for accessory dwelling units as part of the zMOD process has been addressed through numerous documents and presentations. Proposed revisions were first presented in the draft for Residential, Accessory, and Temporary Uses dated April 9, 2019, and then incorporated into the consolidated draft of use regulations dated May 1, 2019. Based on outreach feedback, revisions were provided in a memorandum to the Board dated June 7, 2019, and then merged into the revised consolidated draft of use regulations dated July 1, 2019. Since that time, staff has continued community outreach on this topic. A wide range of comments have been received, from a recommendation to make no changes to the current standards, to remarks that the proposal does not go far enough and should remove the age or disability requirement. The comments are summarized in Attachment 2.

An accessory dwelling unit is a secondary unit found in conjunction with and clearly subordinate to a single family detached dwelling unit. Currently, all accessory dwelling units require special permit approval from the BZA. In accordance with the recommendations of the Older Adults Committee and the Communitywide Housing Strategic Plan to expand affordable housing and resources for older adults and persons with disabilities, the zMOD draft proposes a more streamlined process that would allow administrative approval of an accessory dwelling unit when located within the principal dwelling. In order to allow for review of layout, character, and parking, an accessory dwelling unit located in a detached structure would continue to require special permit approval. According to our records, 177 special permit applications have been approved and 16 denied. The current special permit standards have been carried forward into the draft proposal, with the following revisions:

- The maximum size limit of 35 percent has been deleted and replaced with a more equitable size limit of 1,200 square feet for both interior and detached units. An additional qualification has been added to the size standards since the July 1, 2019 draft to require that the accessory dwelling unit be clearly subordinate to the principal dwelling, which could result in the



requirement for an accessory dwelling unit to be less than 1,200 square feet. A larger size could be allowed for an interior unit with special permit approval. For flexibility during the adoption process, it is recommended that a range of 700 to 1,200 square feet be advertised for interior units and 700 to 1,500 square feet be advertised for detached units. The recommended size is based, in part, on a review of the sizes of a sample of 31 accessory dwelling units approved by the BZA. Based on this review, the average size of an accessory dwelling unit contained within the principal dwelling is 1,060 square feet, and the average size of a detached accessory dwelling unit is 1,189 square feet.

- For the administrative permit, the discretionary review of parking is replaced with a requirement to designate that one of the existing parking spaces will remain available for the accessory dwelling unit.
- To maintain the appearance of a single family dwelling, as opposed to a duplex, a standard has been added for the administrative permit that any garage or carport entrance be located adjacent to any existing garage or carport, and the associated driveway and curb cut must be the same as that for the principal dwelling.

**Topics for discussion:**

- Does the Board generally support the proposed approach?
- Are the proposed size ranges for advertising purposes acceptable (700 – 1,200 SF for an interior unit and 700 – 1,500 SF for a detached unit)?

In addition, staff will continue to monitor pending state legislation and will present recommendations for the Board’s consideration.

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**Home-Based Business**

Since the release of the July 1, 2019, draft, staff has also continued community outreach on this topic and has received a wide range of comments from recommendations to facilitate cottage industries to concerns about allowing customers to visit homes.

The home-based business use is a consolidation of the current home occupation (administrative permit), home professional office (special permit), and barber shop or beauty parlor as a home occupation (special permit). A home occupation permit fee is \$50 while the fee for the special permit applications is \$16,375. Currently, customers are allowed for a school of special education home occupation (e.g., classes in music, art, or exercise), and for a home professional office or barber shop or beauty parlor that has received special permit approval from the BZA. Other types of occupations or non-professional offices are not allowed to have customers. The intent of the proposed revisions is to create a single, more equitable set of standards that protects residential neighborhoods while recognizing the wide range of occupations and businesses that are often conducted in a home.

A summary of the proposed regulations is below:

- The property must be the applicant’s primary residence.

- Prohibited uses (using the classification and category structure of the zMOD use tables). Since the July 1, 2019, draft, the reference to home-based food production has been updated based on coordination with the Health Department and the state (<https://www.fairfaxcounty.gov/planning-development/zoning/home-occupation-permits/home-based-food-production>). Also, the specific prohibition on retail sales has been deleted since many home-based businesses could be construed to involve retail sales, particularly if customers are allowed.
- No exterior evidence of the business, and no associated outside storage.
- Deliveries to and from the residence may not use semitrailers and vehicles may not exceed 28 feet in length. This is a new standard since the July 1, 2019 draft.
- One nonresident employee in a single family detached dwelling is allowed, but no nonresident employees are allowed in other dwelling unit types. Additional employees could be approved with a special permit.
- No customers or clients are allowed if a home day care is onsite. Up to four customers at a time in a single family detached dwelling, and up to two at a time in other dwelling unit types. A cumulative total of eight customers in a day for all dwellings. Given the diversity of comments received, it is recommended that a range be advertised from zero to the recommended number for each unit type. Additional customers could be approved with a special permit.
- The standards in the July 1, 2019, draft have been revised to remove the provision that the home-based business permit is subject to approval by the Zoning Administrator and may be revoked under certain circumstances. This standard will be relocated to the general administration of administrative permits section.

**Topics for discussion:**

- Does the Board generally support the proposed approach?
- In addition to the limits on customers and employees, should home-based businesses be limited in other ways?
  - For instance, should there be a limit on the floor area or location (e.g., not within the garage) that can be used for a home-based business? Given concerns about enforcement, a size limit has not been proposed. However, the requirement for the business to be subordinate to the principal use as a dwelling could still be considered in the context of the definition of a home-based business as an accessory use. The application could include submission of a floorplan which could be the basis for denial.
  - Should the number of deliveries be limited?
- Are the proposed ranges for the number of customers for advertising purposes acceptable (0 to 8 per day; 0 to 4 at a time in a single family detached dwelling; 0 to 2 at a time in all other dwellings)?
- Should the prohibited use categories be revised?

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## Freestanding Accessory Structures

Regulations regarding freestanding accessory structures were included in the original draft on Residential, Accessory, and Temporary Uses dated April 9, 2019, and have been subsequently discussed as a part of both the May and July releases of the consolidated draft of use regulations. Based on a review of the heights of approved special permits for accessory structures, as well as the heights of structures that are available and commonly purchased and the size of dimensional lumber that is often used for construction, the regulations have been modified to allow structures exceeding eight and one-half feet but no greater than 12 feet to be located five feet from the side and rear yards. Any structures exceeding 12 feet would be required to meet the side yard setback and either its distance in height from the rear lot line or the rear yard setback, whichever is less. For flexibility during the adoption process, staff recommends that a height range from 10 to 12 feet be advertised. Staff has received comments on both sides of the spectrum, and those comments are included in Attachment 2.

The draft language also adds a new standard that would require a special permit for any enclosed accessory structure that exceeds 25 feet in height on a single family lot. The following changes have been proposed to that text:

- A maximum height range of 15 to 25 feet has been suggested to be advertised for the Board's consideration.

### Topics for Discussion:

- Does the Board support allowing accessory structures in the height range of 10 to 12 feet to be located five feet from the side and rear lot lines?
- Does the Board support a maximum height range of 15 to 25 feet for an enclosed accessory structure on a single family lot?

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## Decks and Patios

Currently, decks can extend a certain amount into the minimum setbacks, but only if they are open both above the railing and below. Once lattice or other design features are added, a deck is not allowed to extend into the minimum setbacks. Decks and patios were first introduced and discussed as a part of the October 10, 2019 release on Development Standards, Parking, and Signs. The proposed text at that time allowed for decks to extend into the setbacks with: a) lattice and other enclosures beneath the deck when the deck itself is less than four feet in height, b) lattice up to eight feet in height to extend above the deck on no more than two sides, and c) features such as pergolas, trellises, and overhanging planters. During outreach, concerns were raised about differentiating between decks less than four feet in height and greater than four feet in height, as well as other topics that are summarized in Attachment 2. As a result, the following changes pertaining to decks that extend into setbacks have been made:

- Any deck or patio less than or equal to eight inches in height may encroach into any setback, regardless of if it is attached or detached to the principal structure.
- “Lattice” above or below the deck has been replaced with the term “privacy screen.”
- The area below the deck of any height may be enclosed, regardless of the deck height.
- Privacy screens above the deck have been reduced from a maximum of eight feet to a maximum of seven feet.
- Design features above the deck, such as pergolas, trellises, and overhanging planters are now limited to a maximum of seven feet in height and three feet in depth.

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### **Electric Vehicle Charging**

At the Development Process Committee meeting on September 10, 2019, new standards for Electric Vehicle Charging were proposed related to minimum parking requirements, dispenser and cabinet equipment height limitations, canopy requirements, and screening standards. During this discussion, the Board provided feedback on the revisions, and the following changes have been proposed in response:

- Electric vehicle charging is permitted if the standards are met and would no longer require a separate Zoning Administrator determination.
- Parking spaces reserved exclusively for charging are no longer excluded from the minimum parking requirements.
- The height of dispensers and associated equipment is increased from eight to nine feet.
- For charging spaces located in a surface parking lot or the top level of a parking structure, a canopy is permitted only if it supports a solar collection system.
- The landscaping required for screening purposes must be maintained.

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### **Solar Collection System**

In light of the County’s recent solar power purchase agreement initiative, zMOD staff met with staff from the Office of Environmental and Energy Coordination to discuss the proposed solar collection system standards. The standards have been slightly revised to clarify that:

- Solar collection systems mounted on a roof or another structure (such as a light pole) may extend five feet above the maximum height limitation.
- Accessory structures supporting solar collection systems (such as solar canopies in parking lots) must comply with any height and setback requirements that apply to freestanding accessory structures.

## Draft Text

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### Accessory Dwelling Units

#### Standards when permitted by administrative permit:

- (1) An accessory dwelling unit is permitted only in association with a single family detached dwelling unit, and no more than one accessory dwelling unit is permitted on a single family lot.
- (2) An accessory dwelling unit must be wholly contained within the structure of a single family detached dwelling unit and must have direct access to the principal dwelling through an interior space that is finished, temperature controlled, and fully enclosed.
- (3) Any proposed external entrances for an accessory dwelling unit must be located on the side or rear of the dwelling, and not on the same façade as the primary external entrances serving the principal dwelling. Any proposed garage or carport entrance must be located directly adjacent to any existing garage or carport, and the associated driveway and curb cut must be the same as that which serves the principal dwelling.
- (4) The area devoted to the accessory dwelling unit must not exceed 1,200 square feet [advertised range: 700 to 1,200 square feet] and must be clearly subordinate to the principal dwelling. A larger size may be allowed by the BZA in accordance with [*reference to special permit procedure*].
- (5) The accessory dwelling unit may not contain more than two bedrooms.
- (6) The occupancy of the accessory dwelling unit and the principal dwelling unit must be in accordance with the following:
  - (a) One of the dwelling units must be owner occupied.
  - (b) One of the dwelling units must be occupied by:
    1. A person 55 years of age or over; or
    2. A person with a disability.
  - (c) The accessory dwelling unit may be occupied by a maximum of two people.
  - (d) The principal single family dwelling unit may be occupied by not more than one of the following:
    1. Two or more persons related by blood or marriage and any number of their natural children, foster children, stepchildren, adopted children, or children in kinship care;
    2. One or two persons with their dependent children, including natural children, foster children, stepchildren, adopted children, or children in kinship care, functioning as a single household; or
    3. A group of not more than four persons not related by blood or marriage, functioning as a single household.

- (e) An accessory dwelling unit occupied by a person with a disability must provide for reasonable access and mobility, based on the specific needs of the handicapped person. Measures for reasonable access and mobility must be specified in the permit application. Generally, reasonable access and mobility for persons with disabilities includes:

  - 1. Uninterrupted access to at least one entrance; and
  - 2. Accessibility and usability of at least one full bathroom.
- (7) One designated parking space must be available for the accessory dwelling unit.
- (8) An accessory dwelling unit must meet all applicable regulations for building, safety, health, and sanitation, and the construction of an accessory dwelling unit is not deemed to be a subdivision of the lot on which the dwelling is located.
- (9) Prior to occupancy of the accessory dwelling unit, the owner must record a copy of the administrative permit among the land records of Fairfax County. The permit must contain a description of the subject property and must be indexed in the Grantor Index in the name of the property owner(s).
- (10) The owner must allow inspections of the property by County personnel during reasonable hours upon prior notice.
- (11) An administrative permit for an accessory dwelling unit may be issued to the owner for a period not to exceed five years from the date of approval. Administrative permits may be extended for succeeding five-year periods by the Zoning Administrator.
- (12) If the standards above are no longer being met, the accessory dwelling unit may not be occupied as a dwelling unit and the property must meet the occupancy limitations of a single family dwelling in accordance with *[reference relocated Sect. 2-502]*. This standard does not require the removal of any kitchen or other facilities.

**Standards when permitted by special permit:**

- (13) The BZA may approve a special permit for an accessory dwelling unit that does not meet the standards in subsections (2) or (3) above.
- (14) The accessory dwelling unit must conform to all other applicable standards in subsections (1), (5) through (8), (10), and (12) above.
- (15) The area devoted to the accessory dwelling unit must not exceed 1,200 square feet [advertised range: 700 to 1,500 square feet] and must be clearly subordinate to the principal dwelling.
- (16) The BZA may require the provision of designated off-street parking spaces in addition to the requirements specified in *[reference to relocated Article 11]* for a single family detached dwelling unit.
- (17) Upon the approval of a special permit, the owner will record a copy of the BZA's approval, including all accompanying conditions among the land records of Fairfax County. The resolution must contain a description of the property and must be indexed in the Grantor Index in the name of the property owner(s).

- (18) A special permit for an accessory dwelling unit may be issued to the owner and approved for a period not to exceed five years from the date of approval. The special permit may be extended for succeeding five-year periods in accordance with [*reference to relocated Sect. 8-012*].

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## Home-Based Business

### Standards when permitted by administrative permit:

- (1) A home-based business must be conducted by the person to whom the home-based business permit is issued and must be located within the dwelling that is their primary residence or in an accessory structure permitted by this Ordinance that is normally associated with a residential use that is clearly subordinate to the principal use of the lot as a dwelling.
- (2) A home-based business may not include uses within the following use categories or classification:
  - (a) Health care uses;
  - (b) Animal-related uses;
  - (c) Food and lodging, except for home-based food production ;
  - (d) Personal and business services, except a barbershop or hair salon, dressmaker, seamstress, or tailor;
  - (e) Recreation and entertainment uses, except a health and exercise facility, small;
  - (f) Vehicle-related uses; and
  - (g) Industrial uses, except home crafts such as jewelry making or ceramics.
- (3) The premises must have the exterior appearance of a dwelling or residential accessory structure. Other than a sign as permitted by [*reference relocated Article 12*], there must be no exterior evidence from outside the dwelling that the property is used in any way other than for a dwelling. The home-based business must take place entirely within enclosed structures.
- (4) Outside display or storage of goods, equipment, or materials used in connection with the home-based business is not allowed.
- (5) The use of semitrailers, including tractor or trailer units, is not permitted to distribute goods to and from the use. In addition, all vehicles used to distribute goods to and from the facility may not exceed a maximum length of 28 feet.
- (6) **Employees:**

Employees on the premises are limited to persons who use the dwelling as their primary residence, except, in a single family detached dwelling, one employee who does not use the dwelling as their primary residence is allowed, regardless of the number of home-based businesses or home day care facilities operating on the lot. This nonresident employee, whether paid or not, may work on the premises only between the hours of 7:00 AM to 6:00 PM.

**(7) Customers or clients:**

- (a)** If a home day care facility is established on the lot, visits to the premises by customers or clients of the home-base business are not allowed.
  - (b)** In a single family detached dwelling, a maximum of four **[advertised range: zero to four]** customers or clients are permitted on the premises at any given time. In a single family attached, stacked townhouse, multifamily, or manufactured home dwelling, a maximum of two **[advertised range: zero to two]** customers or clients are permitted on the premises at any given time.
  - (c)** A cumulative maximum of eight **[advertised range: zero to eight]** customers or clients are permitted on the premises in any one day, including all home-based businesses and short-term lodging that are operated on the lot.
  - (d)** The hours during which customers or clients may visit the premises are limited to 8:00 AM to 9:00 PM.
  - (e)** Customers or clients must be scheduled on an appointment basis, with a minimum of 15 minutes between appointments.
  - (f)** The limitations on visits by customers or clients may be exceeded in accordance with *[reference to special permit procedure]*.
  - (g)** Customers or clients include all persons who come to the dwelling for business services.
- (8)** Only one commercial vehicle is permitted per dwelling unit, subject to the provisions of *[reference to relocated Sect. 10-102]*.
- (9)** The dwelling where the home-based business is being conducted must be open for inspection to County personnel during reasonable hours.
- (10)** A permit for a home-based business is valid for only the original applicant and is not transferable to any resident, address, or any other occupation. Upon termination of the applicant's residency, the home-based business permit becomes null and void.

**Standards when permitted by special permit:**

- (11)** The BZA may approve a special permit for a home-based business that exceeds the limitations above for employees, customers, or clients, subject to all other standards above and only if the BZA determines that the proposed business, together with all other nonresidential uses in the area, will not modify or disrupt the predominantly residential character of the area.

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**Freestanding Accessory Structures**

Freestanding accessory structures, such as sheds, garages, gazebos, and recreational equipment, must comply with the following standards:

**(a) Location in Front Yard**

- 1.** The structure may not be located in the minimum front setback as specified in the applicable zoning district regulations.

2. On a lot that is 36,000 square feet or less, only the following freestanding accessory structures may be located in a front yard:
  - A. Flagpole;
  - B. Landscaping (see Article 9: Definitions);
  - C. Basketball standard, which may be located no closer than 15 feet to the front lot line, and no closer than 12 feet to any side lot line or a distance equal to the minimum side setback, whichever is less; and
  - D. Gardening not to exceed a maximum area of 100 square feet. Composting is not permitted in any front yard.

**(b) Location in Side or Rear Yard**

1. If the structure does not exceed eight and one-half feet in height, it may be located in any part of a side yard or rear yard, except as qualified by [*reference to relocated Sect. 2-505*].
2. If the structure is between eight and one-half feet in height and 12 feet in height **[advertised range: 10 to 12 feet]**, it must be located a minimum of five feet from any side lot line and a minimum of five feet from any rear lot line. However, on a single family attached lot, a freestanding structure up to 12 feet in height and located wholly underneath a deck is not subject to this five-foot setback and may be located in any part of a side or rear yard.
3. If the structure is more than 12 feet in height **[advertised range: 10 to 12 feet]**, it must be located at least:
  - A. A distance equal to the minimum side setback from all side lot lines. For a single family attached lot, for the purpose of freestanding accessory structures, the side setback that applies to peripheral (end) units also applies to interior units; and
  - B. A distance equal to or greater than its height from the rear lot line or the minimum rear setback, whichever is less.
4. The requirements of subsections 1, 2, and 3 are summarized in the table below.

Table 4102.7.A(6): Accessory Structure Height and Yard Requirements	
Height of Accessory Structure	Setbacks Required
Up to 8.5 feet	Side: None
	Rear: None
8.5 feet to 12 [10-12 advertised] feet	Side: 5 feet [1], [3]
	Rear: 5 feet [2]
Greater than 12 [10-12 advertised] feet	Side: Required side yard setback of district [3]
	Rear: Required rear yard setback of district or distance in height from rear lot line, whichever is less

NOTES:  
 [1] This setback does not apply in commercial and industrial districts if there is no minimum side setback for the district.

**Table 4102.7.A(6): Accessory Structure Height and Yard Requirements**

Height of Accessory Structure	Setbacks Required
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- [2] This setback does not apply in industrial districts if there is no minimum required rear setback for the district.
- [3] Although the side yard requirements do not apply to individual single family attached units except at peripheral lot lines, the setbacks are required for freestanding accessory structures on single family attached lots.

5. The transitional screening requirements of [*reference to relocated Article 13*], which include a specific width for open space and planting beds, are required and must be satisfied regardless of the accessory structure yard requirements presented above.

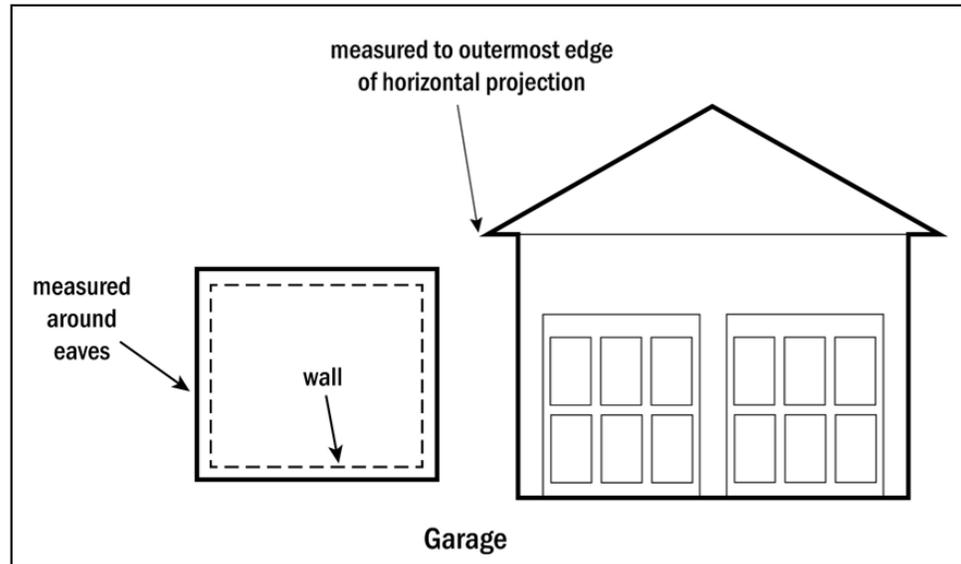
**(c) Maximum Height**

When accessory to a single family dwelling, the height of an enclosed freestanding accessory structure may not exceed 20 feet [**advertised range: 15 to 25 feet**]; however, the BZA may approve a special permit for an increase in height. Additional height restrictions may apply, depending on the location of the structure in the side or rear yard, in accordance with subsection (b) above.

**(d) Maximum Cumulative Square Footage**

When accessory to single family dwellings, the following standards apply in all districts except the R-A, R-C, and R-E Districts:

1. The cumulative square footage of all enclosed freestanding accessory structures on a lot may not exceed 50 percent of the gross floor area of the dwelling unit.
2. For the purpose of this section, enclosed freestanding accessory structures include all roofed structures containing three or more walls, and the cumulative square footage is measured from the perimeter of the exterior of the structure measured to the outermost edge of the horizontal projection, as demonstrated in the figure below.



## Decks and Patios

### (a) Extensions for Decks or Patios

Table 5100.1 below summarizes the extensions allowed for decks or patios by structure type. For the purposes of this table, the following applies:

1. Height is measured from the lowest point of finished ground level adjacent to the structure to the highest part of the deck floor.
2. "Not closer than" is in reference to location from the lot line.
3. The extension that is most restrictive applies.
4. Decks or patios, whether attached or detached, that are less than or equal to eight inches above finished ground level are permitted to encroach into any setback. Decks or patios greater than 8 inches above finished ground level are subject to the permitted extensions in Table 5100.1.
5. A deck may have an 'open-work' railing or wall, not over four feet in height, with at least 50 percent of the railing or wall area open in an evenly distributed pattern.
6. The area beneath a deck may be enclosed by a privacy screen that is not solid.
7. A deck may include a privacy screen that is not solid located above the deck on not more than two sides extending from the dwelling. The privacy screen may extend up to seven feet in height from the deck floor.
8. A deck may include design features such as pergolas, trellises, and overhanging planters at or above the railing. These features may extend up to seven feet in height from the deck floor and be a maximum of three feet deep.

9. Accessory structures such as storage sheds, gazebos, and fireplaces located on decks or patios are not considered design features and are subject to the Freestanding Accessory Structure regulations.

<b>TABLE 5100.1: Permitted Extensions for Decks or Patios</b>				
<b>Attached to Single Family Detached Dwelling</b>				
	Height Less than or Equal to Four Feet		Height Greater than Four Feet	
<b>Setback</b>	Open	Roofed	Open	Roofed
Front	6 feet into setback, but not closer than 14 feet	No extension	No extension	No extension
Side	5 feet into setback, but not closer than 5 feet	No extension	No extension	No extension
Rear	20 feet into setback, but not closer than 5 feet	12 feet into setback, but not closer than 5 feet	12 feet into setback, but not closer than 5 feet	No extension
<b>Attached to Single Family Attached Dwelling</b>				
	Height Less than or Equal to Three Feet		Height Greater than Three Feet	
<b>Setback</b>	Open	Roofed	Open	Roofed
Front	No extension	No extension	No extension	No extension
Side of End Units	5 feet into setback, but not closer than 5 feet	No extension	No extension	No extension
Rear	Decks on interior units can extend to rear lot line; end units not closer than 5 feet	12 feet into setback, but not closer than 5 feet	12 feet into setback, but not closer than 5 feet [1]	No extension
<b>Stacked Townhouse, Multifamily, Industrial, Commercial, or Institutional Structures</b>				
<b>Width</b>	Height Less than or Equal to Three Feet		Height Greater than Three Feet	
Less than 10 feet	6 feet into any setback		3 feet into any setback	
Greater than 10 feet	No extension			
NOTES:				
[1] If the rear yard is 17 feet or less and abuts open space or a utility easement with a minimum width of 10 feet, the deck or patio may encroach to no closer than 2 feet.				

*A graphic of a deck extending into setback will be inserted with the consolidated draft.*

**(b) Extensions by Special Permit Approval**

The BZA may approve a special permit to modify the provisions of this subsection in accordance with subsection **Error! Reference source not found.**

## Electric Vehicle Charging

### Standards when permitted by right:

- (1)** An electric vehicle charging space as an accessory use is permitted in accordance with the following standards:
  - (a)** The space must not interfere with vehicular, bicycle, or pedestrian circulation, including fire lanes and access to the site.
  - (b)** When accessory to any residential development:
    - 1.** Electric vehicle charging is allowed only for the residents and their guests; and
    - 2.** Unless located in a parking structure, chargers are limited to Level 1 or Level 2 facilities as defined by the U.S. Department of Energy.
  - (c)** When accessory to any nonresidential or mixed use development:
    - 1.** The space must be located in a parking structure or parking lot that serves a principal use; and
    - 2.** The minimum height of the dispenser is three feet.
  - (d)** When located in a surface parking lot and not mounted on the exterior of the principal structure, or when located on the top level of a parking structure open to the sky:
    - 1.** The maximum height of the dispenser and any other associated structure is nine feet;
    - 2.** A canopy is not permitted in association with an electric vehicle charging space located in a surface parking lot unless it supports a solar collection system. On the top level of a parking structure, a canopy may be allowed if it does not include signage or illumination on the sides of the canopy;
    - 3.** Electric vehicle charging spaces and related equipment cabinets or structures must not be located in any required transitional screening yard or impact any required internal parking lot landscaping in accordance with [*reference to relocated Article 13*]; and
    - 4.** Related equipment, including transformers, switchgear, and other similar items must be screened with a fence, wall, berm, evergreen landscaping, or any combination. Any landscaping used for screening purposes must be maintained.
- (2)** Accessory electric vehicle charging spaces must be in conformance with any zoning approvals.
- (3)** An electric vehicle charging space that does not conform to the standards in subsection (1) above is considered a vehicle fueling station.

## **Solar Collection System**

### **Standards when permitted by right:**

- (1)** A solar collection system mounted on the roof of a building or on another type of structure such as a light pole may extend up to five feet above the applicable maximum building height in the district where it is located.
- (2)** Any accessory structure supporting a solar collection system, such as a canopy, must comply with the height and yard requirements for freestanding accessory structures in Sect. 0.

<b>zMOD Outreach Comments May 2019 through January 2020</b>	
<b>Accessory Dwelling Units</b>	
Bring forward the current standards and procedures with zMOD. Any changes should be considered as part of a separate amendment.	
Keep the 2-acre minimum for detached.	
Parking is the real issue.	
The use of accessory units can have a lifecycle from needing renters to help new homeowners, to needing a nanny suite, to providing space for older parents. The age/disability requirements should be reconsidered.	
The caretaker quarters SP should be made consistent with the accessory dwelling unit to allow it by administrative permit if within the principal dwelling.	
This section could use additional editing. Consider adding examples of calculations.	
The size limits are too small for larger homes. Consider keeping the current 35%.	
At several outreach meetings, no concerns with the proposed text were mentioned.	
<b>Home-Based Businesses</b>	
Will approved home-based businesses be searchable online?	
Parking is a concern. Can we prohibit home-based business in a garage?	
Consider a square footage size or a maximum percent (e.g., 25%) of the dwelling that would be allowed by administrative permit, and then a larger size could be allowed with SP.	
Concerns about enforcement.	
Eight customers in one day is too many.	
Keep the current standards for home-occupations – don't expand permissions for home-based businesses. Customers should only be allowed for teaching, or with a SP; we don't want to turn our neighborhoods into retail sales areas.	
Undesirable uses may be unintentionally allowed by using a list of prohibited uses rather than a list of allowed uses.	
Keep the proposed approach of listing prohibited uses by classification and category.	
What about Etsy and Ebay uses? They are often found in association with a dwelling.	
Need to enable cottage industries without impacting neighbors.	
Don't allow food production because of food safety issues.	
At several outreach meetings, no concerns with the proposed text were mentioned.	
<b>Freestanding Accessory Structures</b>	
All structures up to 12 feet in height should be permitted in any side or rear setback.	
Allowing structures between 10 and 12 feet in height as close as five feet from a side or rear lot line is not restrictive enough. The current standards should be retained.	
If freestanding structures up to 10-12 feet in height can go five feet into the side and rear setbacks, why can't carports?	
<b>Decks and Patios</b>	
Lattice should be allowed below a deck that is higher than four feet.	

Lattice above the deck should be considered on more than two sides.
Clarify "lattice" and add illustrations of the types of modifications allowed.
Any modifications on the sides of the deck are okay.
There should not be any new restrictions on patios, as there are already problems with permits not being required.
Clarify the interpretation on freestanding patios – is a one foot separation needed to apply the setbacks of a freestanding accessory structure?
<b>Electric Vehicle Charging</b>
The Mitre report is out-of-date and more EVC is needed in new construction.
Flexibility is key, and there should be no percentage or maximum number of parking space limitations. Spaces should count towards the minimum required parking.
How do we deal with shopping centers if they cannot accommodate screening of equipment? This should not trigger a process that needs Board approval.
How can we expedite the conversion of gas stations to EVC stations? Will this require a special exception amendment or would it be by-right?
Confirm that if EVC is not specifically mentioned in a zoning approval, it would still be permitted.
<b>Solar Collection System</b>
Allow for solar canopies in parking lots.
Make sure we clearly distinguish between those structures that can exceed height limitations from those structures that must meet the height limitations.