



Zoning Ordinance Modernization Project



Planning Commission
January 28, 2021

Zoning Ordinance – Why Modernize?



Revise format and structure



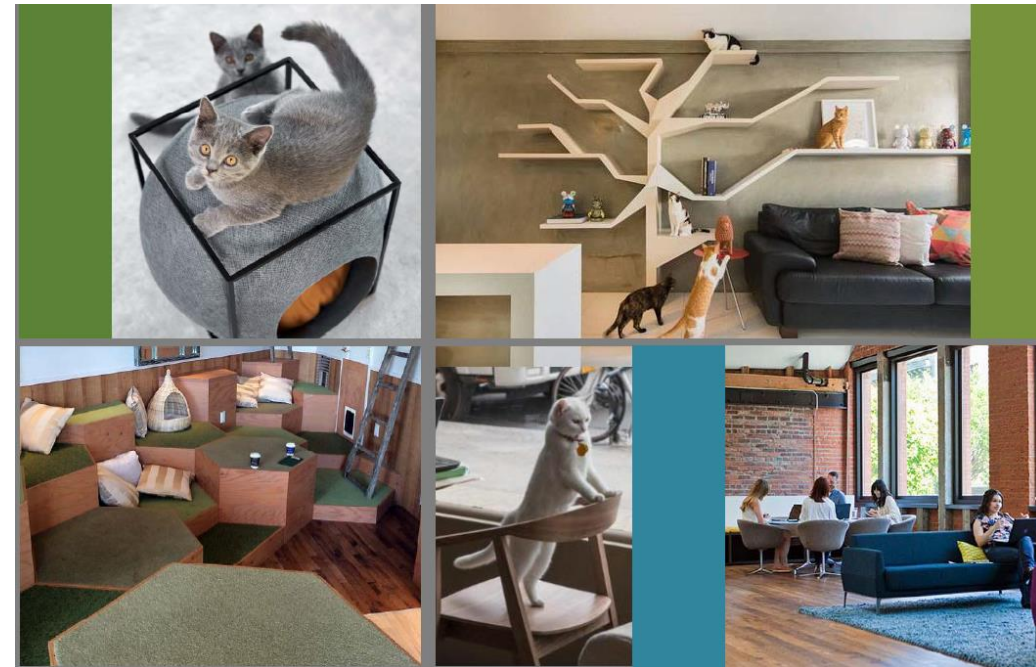
Modernize land uses and regulations



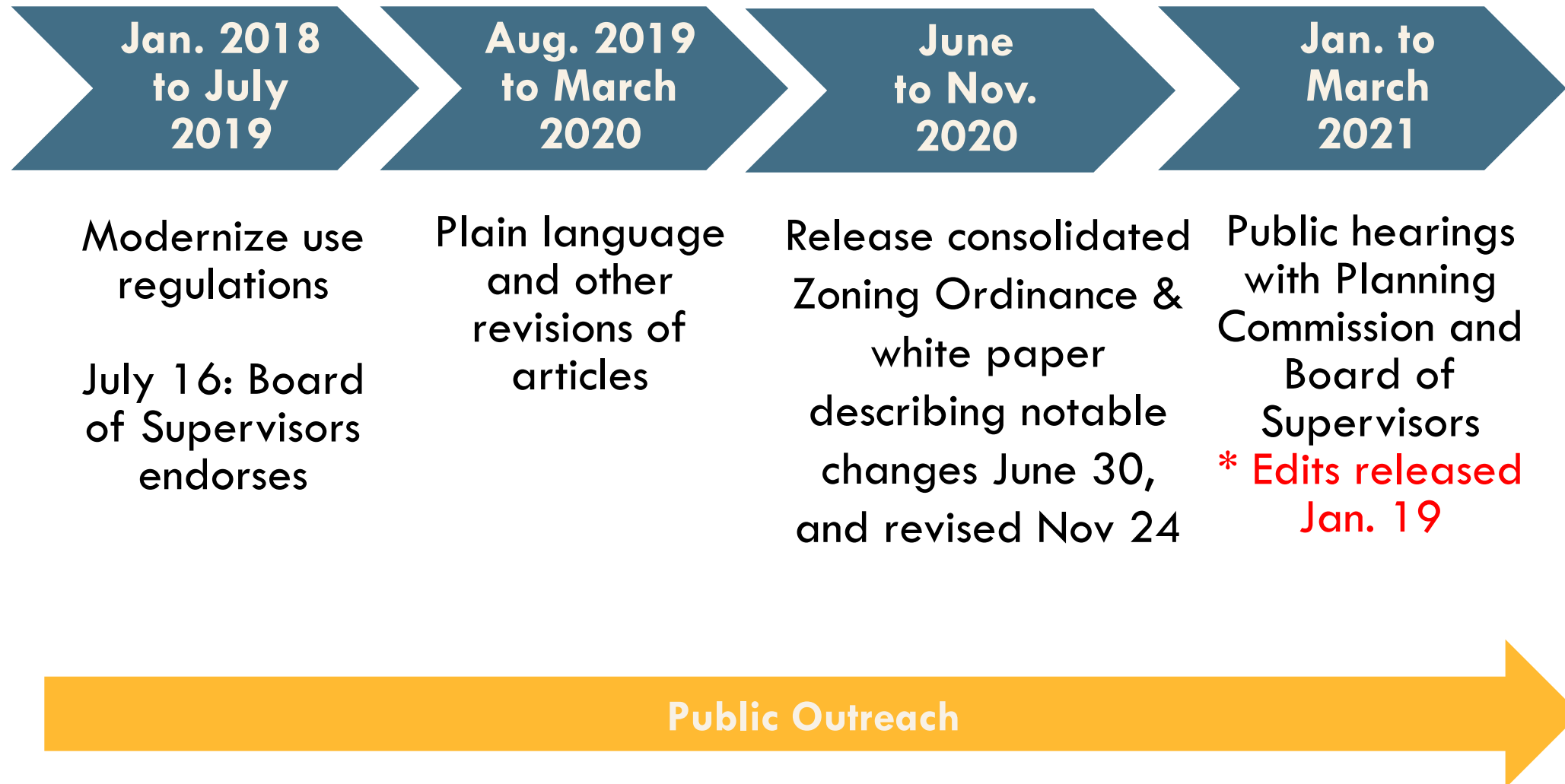
Rewrite regulations in plain language



Use a platform accessible on all different devices



How did we get here?



Consultant Services

CLARION

Don Elliott, FAICP

- Planner/Lawyer/Project Manager
- *A Better Way to Zone*



Tim Richards, AICP

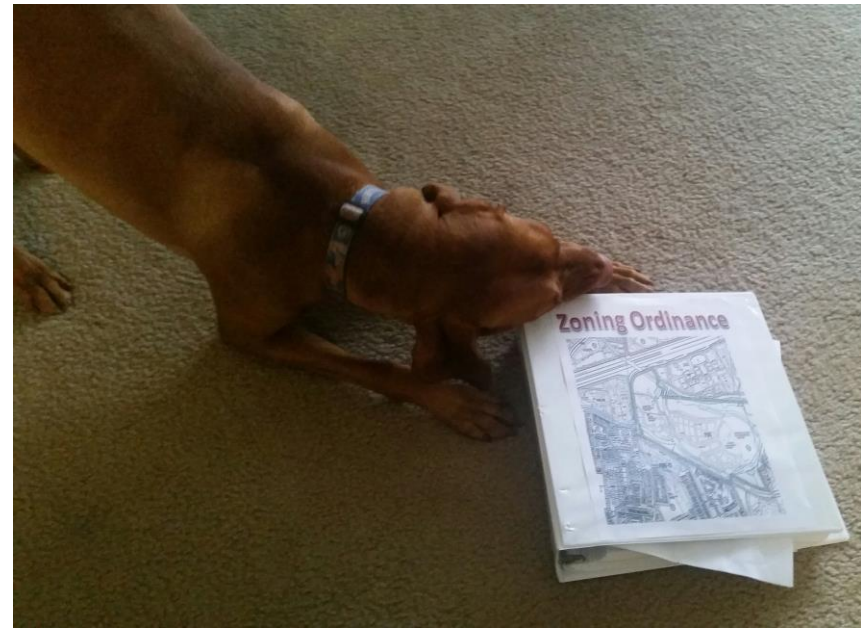
- Planner/Lawyer/Code Drafting



New Ordinance Structure

Articles:

- 1) General Provisions
- 2) Zoning Districts
- 3) Overlay Districts
- 4) Use Regulations
- 5) Development Standards
- 6) Parking and Loading
- 7) Signs
- 8) Administration, Procedures, and Enforcement
- 9) Definitions



Article 1: General Provisions

Includes the enabling legislation, the structure of the Ordinance, duties of the Zoning Administrator, and the purpose statements

New references to **facilitating an equitable community** and **promoting an overall sense of community through placemaking** added to purpose statements



Article 2: Zoning Districts

7. R-4 Residential District, Four Dwelling Units/Acre⁶⁷

A. Purpose⁶⁸

The R-4 District provides for single-family detached dwellings and affordable dwelling unit developments and allows other uses that are compatible with the medium-density residential character of the district.

Figure 2102.13: R-4 District Aerial Example



Incorporates zoning district regulations, aerial imagery, and lot and building dimensional tables and graphics

- R-P and I-1 Districts deleted
- P District updates:
 - Removed requirement for periphery to conform with the bulk regulations and landscaping/screening provisions of the most similar conventional district
 - Deleted PDH density bonuses
 - Standard revised to better focus on protecting natural resources
- PDH secondary use limitations revised

Article 3: Overlay & Commercial Revitalization Districts

Historic Overlay • Commercial Revitalization • Natural Resource Overlay • Airport Noise Overlay
Sign Control Overlay • Highway Corridor Overlay • Water Supply Protection Overlay

Proposed revisions to CRDs:

- Increase in building height may be permitted if consistent with the Comprehensive Plan
- Allows the Board to impose conditions on parking reductions
- Requires interior parking lot landscaping to be provided with any parking lot resulting in 20 spaces or more
- Clarified front setback, consistent with Comprehensive Plan



Article 4: Use Regulations

Electric Vehicle Charging



Outdoor Commercial Recreation



Solar Collection System



Stacked Townhouse



Indoor Commercial Recreation



Goods Distribution Hub



Accessory Living Units – Why Modernize?

- Current standards are from 1983 and some are out of date
 - For example, no other jurisdictions in our research have an age/disability requirement
- Process and standards have resulted in limited use
- ALUs can be part of the affordable housing toolkit for both the owner and a renter
- Most of the standards are objective; the standards protect neighborhood character
- Most of the conditions for approved accessory dwelling units mirror the objective Zoning Ordinance standards
- Current occupancy standards allow a family to have two roomers/boarders OR an ALU with two people – the difference boils down to allowing a kitchen



Comparison of Current and Proposed Standards for ALUs

Topic	Current Standards	Proposed Standards	Advertised Options
Age/Disability	A person living on the property must be 55+ years old or have a disability	No change	Remove requirement
Size	Up to 35% of the principal dwelling	Interior: Up to 800 SF or 40% of the dwelling, whichever is less; increased size with SP Detached: 1,200 SF	Interior: 500 – 1,200 SF or 40%, whichever is less; use of entire basement Detached: 700 – 1,500 SF
Approval Process	Special Permit (SP)	Interior: Administrative Permit if meet all standards; SP to modify size, access/entrance, or parking standards Detached: No change	Keep SP for all ALUs
Location of Unit	Interior or Detached with 2+ acres	No change	

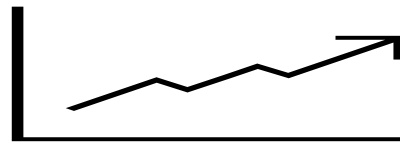
Comparison of Current and Proposed Standards for ALUs – cont'd

Topic	Current Standards	Proposed Standards
Owner-occupied	Yes – owner must live in the principal unit or in the ALU	No change
Max # of People	Up to two bedrooms and two people in the ALU	No change
Parking	Determined by the BZA	Interior by Administrative Permit: 1 additional space (total of 3 or 4 spaces) Detached: No change
Renewal	Every 5 years by Zoning Administrator	Initial renewal in 2 years, subsequent up to 5 years based on compliance
Entrances	Must be on side or rear unless BZA approves alternative	Location on side or rear applies to new entrances Interior: Any proposed garage/carport must be located adjacent to any existing garage/carport and use the same driveway; modification of standards may be approved by SP

Accessory Living Units – Monitoring

Modest increases in ALUs are expected if the Board approves changes

- Since 1983, 219 accessory dwelling units have been approved and 17 denied
- Other jurisdictions that have amended regulations have seen modest increases
 - Arlington County: 32 attached and 38 detached accessory dwellings (2018 – October 29, 2020)
 - Montgomery County: about 50/year; amendment effective Dec. 2019 and no increases due to COVID
 - D.C.: 44 permits in 2019; 82 in 2020
 - Loudoun: 219 permits since 2010



This will allow time for monitoring and consideration of future amendments

Freestanding Accessory Structures

- New height and setback regulations
- New 20-foot maximum height and 50% cumulative SF limitations for enclosed structures associated with single-family dwellings on lots less than 36,000 SF
- Clarified shipping/sea container regulations



Flags and Flagpoles*

New standards:

- Limit the height of flagpoles to 25 feet on single-family lots and 60 feet on all other lots
- Require a five-foot front setback
- Limit single-family lots to two flags, each limited to a maximum size of 24 SF [*advertised ranges from two – three flags and 15 – 45 SF*]
- Carry forward current limit of three flags to all other lots, each limited to a maximum size of 96 SF [*advertised range from 96 – 216 SF*]

** Not currently advertised; will be advertised for discussion on February 10, 2021*



Home-Based Businesses – Why Modernize?

- Current regulations list prohibited uses and provide examples of what may be permitted, leaving many uses up to interpretation
- Only certain uses may have customers and clients
- Standards are objective and can be applied administratively
- Changing nature of the “gig economy” and desire for flexible workspaces and start-up opportunities out of the home



Home-Based Businesses

What's allowed?

- Instructional (including exercise-related)
- Office
- Repair of small household items, such as musical instruments and watches
- Barbershop or hair salon (no nails, facials, or massage)
- Sewing or tailoring
- Retail, limited to off-site delivery
- Production of hand-crafted items and food, limited to off-site delivery



Comparison of Current and Proposed Standards for HBBs

Topic	Current			Proposed Administrative Permit Standards
	Home Occupation	Home Professional Office	Barbershop/Beauty Parlor	
Customers	Instructional uses: 4 at a time; 8 in a day	Determined by the BZA	1 patron at a time	2 at a time; 6 in a day <i>[Advertised range: 0-4 at a time; 0-8 in a day]</i>
Employees	1	Up to 4; up to 6 with 2+ acres	0	1 in SFD; 0 in all other dwellings <i>[Advertised option: 1 in all dwellings]</i>
Size	No size limit			400 SF <i>[Advertised range: 200 – 750 SF]</i>
Parking	No requirement/standard			One designated off-street parking space

Yard Signs in Residential Districts

Current Regulations:

Any lot developed with a residential use is permitted 12 SF of sign area, with no single sign exceeding 4 SF

The proposed draft *removes current inconsistent language* that prohibits any signage associated with home occupations based on content-neutrality. A sign with any message, regardless of content, is currently permitted.



Special Events

- Consolidated use & broader definition
- Administrative permit valid for 21 days, no longer required to be consecutive
- Removed outdated provisions
- Standards require parking, traffic, and other issues to be addressed to protect adjoining properties



Food Trucks

Limited Additional Flexibility for Residential Areas



- Expanded to nonresidential uses in residential districts, such as pools and religious assemblies
- Must comply with other limits, e.g., max of 3 trucks for 4 hours
- Up to 12 times/year per location, or more with SE or SP approval

Article 5: Development Standards

Includes lot, bulk, and open space regulations, affordable dwelling unit program, floodplain regulations, outdoor lighting standards and more

Incorporates clarifications and limited other revisions:

- Carports no longer allowed to extend into side setback
- Cluster open space must meet definition of usable open space
- Decks allowed to have privacy screens and other modifications



Article 6: Parking and Loading

- Parking rate table aligned with new uses
- Most rates carried forward – separate amendment will update rates
- New Stacked Townhouse rate 2.3 spaces/unit



Article 7: Signs

Includes the sign regulations from the March 2019 update and the following revisions:

- Allow entrance and rental signs for stacked townhouse developments
- Clarify that congregate living facilities, religious group living, and residence halls are included in the nonresidential uses that can have building-mounted and freestanding signs
- Clarify that the Board and BZA can further limit size, location, height, type, and duration of signs as a part of RZ, SE, and SP approvals.



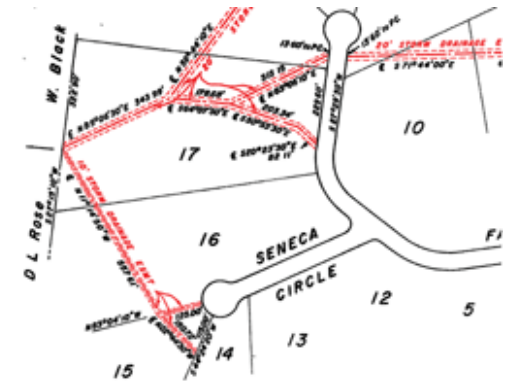
Stay tuned – signs will be the focus of a separate future amendment

Article 8: Administration, Procedures, and Enforcement

Includes review procedures, submission requirements, fee schedule, review and decision-making bodies, nonconformities, condos, and enforcement

Utility Easements: All existing and preliminary locations of new/relocated utilities to be shown on plans/plats, regardless of width

Modification of Submission Requirements: Allows modification of any submission requirement (other than application form, legal description, affidavit, and application fee)



Article 8: Administration, Procedures, and Enforcement - Fees

New fees for the following uses:

- Accessory Living Units: \$200 for AP; \$70 renewal *[Advertised ranges from \$0 to \$435 and \$0 to \$70]*
- Home-Based Business: \$100 for AP; \$435 for SP *[Advertised ranges from \$0 to \$435 and \$0 to \$70]*
- Alternative Use of Historic Building: \$8,180 *[Advertised range from \$8,180 to \$16,375]*

Reduced fees from \$16,375 to \$8,180* for the following uses:

- Congregate Living Facility
- Quasi-Public Park, Playground, or Athletic Field
- Addition to or Replacement of One Existing SFD Dwelling in a Floodplain
- Waiver of Certain Sign Regulations

** Advertised ranges to keep the current \$16,375 fee*

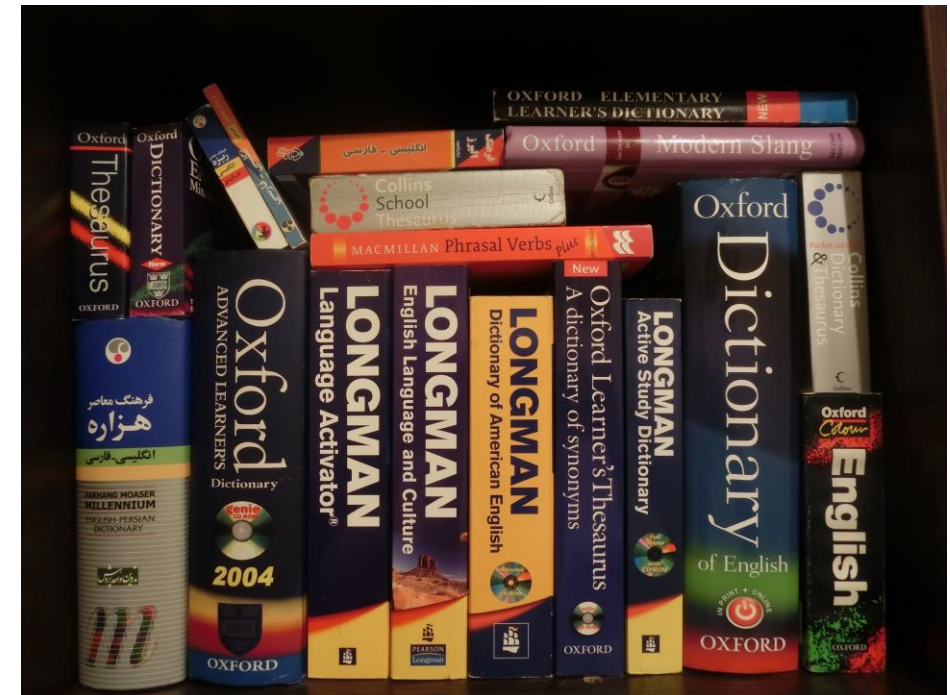
Reduced fee for the following application:

- Deletion of Land Area: $\frac{1}{4}$ the prevailing fee
[Advertised range from $\frac{1}{4}$ to $\frac{1}{2}$ of the prevailing fee]

Article 9: Definitions and Ordinance Interpretation

Includes interpretations of words and terms used in the Ordinance, a list of abbreviations, and definitions

- All uses are defined
- Some updates and clarifications
 - Detailed regulations moved to use standards
 - Outdated language removed from medical care facility definition



How to Navigate zMOD Draft



The screenshot shows the Fairfax County website's navigation bar with links for RESIDENTS, BUSINESS, GOVERNMENT, FAIRFAX COUNTY VIRGINIA, SERVICES, CONNECT, and SEARCH. A yellow banner at the top contains a coronavirus update. Below the navigation bar, a breadcrumb trail reads: Home > Planning Development > zMOD - Fairfax County Zoning Ordinance Modernization Project. The main heading is "Zoning Ordinance Modernization (zMOD)". A contact information section provides phone, email, and address details, along with the name of the Zoning Administrator, Leslie Johnson. On the left, a "DEPARTMENT RESOURCES" sidebar lists links to zMOD Home, Documents & Presentations, Use Definitions & Regulations, zMOD Outreach, and Zoning Ordinance. The main content area features the title "zMOD - Fairfax County Zoning Ordinance Modernization Project" with a share button. Below the title, a paragraph describes the project's goal to modernize the Zoning Ordinance. To the right of the text is a graphic of the letters "zMOD" in blue boxes, and a chat bubble icon is visible in the bottom right corner.

Coronavirus (COVID-19) Updates: Vaccinations, Testing and More

RESIDENTS BUSINESS GOVERNMENT FAIRFAX COUNTY VIRGINIA SERVICES CONNECT SEARCH Translate

Department of Planning and Development Operating Status

Home > Planning Development > zMOD - Fairfax County Zoning Ordinance Modernization Project

Zoning Ordinance Modernization (zMOD)

CONTACT INFORMATION: Our office hours are 8 a.m. - 4:30 p.m.

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TTY 711

dpdzmodcomments@fairfaxcounty.gov

12055 Government Center Pkwy.
Fairfax, VA 22035

Leslie Johnson,
Zoning Administrator

DEPARTMENT RESOURCES

- zMOD Home
- Documents & Presentations
- Use Definitions & Regulations
- zMOD Outreach
- Zoning Ordinance

zMOD - Fairfax County Zoning Ordinance Modernization Project

In 2017, Fairfax County launched a major initiative to modernize its Zoning Ordinance that was first established over 40 years ago. Dubbed "zMOD," the effort will help the County carry out its [strategic plan](#) to grow and diversify its economy. The modernization plan was presented on Tuesday, March 20, 2017 at the Fairfax County...

zMOD

Outreach



Meetings

- 96 public meetings
- In-person and virtual
- Presentations to land use groups, elected and appointed officials, and other general groups



Online Presence

- zMOD Website
- zMOD Email & Listserv
- Facebook
- Channel 16
- Videos
- Newsletters



Surveys

- Kickoff survey
- Accessory dwelling units and home-based businesses surveys
- Corresponding videos



Work Groups

- Citizens
- Land Use Attorneys
- Builders and Industry
- Land Use Aides
- Staff Outreach

Next Steps

Public Hearing Dates

Planning Commission:
January 28, 2021

Flags and Flagpoles:
February 10, 2021

Board: March 9, 2021

Effective Date

Delayed effective
date targeted for
July 1, 2021

Online Platform

New platform will
include interactive
search features,
hyperlinks, and be
easily accessible
across devices

Questions & Discussion

