

Zoning Ordinance Modernization

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Lunch and Learn – Accessory Structures and Other Residential Changes

September 8, 2021

TABLE 4101.1: Use Table for Residential, Commercial, and Industrial Districts P = permitted; SE = special exception; SP = special permit; blank cell = not allowed A = allowed as accessory use only; A+ = permitted as an associated service use; AP = allowed with approval of administrative permit Residential Districts Commercial Districts **Industrial Districts** Use-Specific Standards Use NOTE: General Standards also **RESIDENTIAL USES** Household Living: uses characterized by residential occupancy of a dwelling unit that functions as a single household Dwelling, Multifamily ADU Development²⁷³ Dwelling, Single-Family 4102.3.B Dwelling, Single-Family Attached - ADU Development²⁷² Dwelling, Single-Family 4102.3.C Detached Dwelling, Stacked 4102.3.B Townhouse²⁷³ Dwelling, Stacked Townhouse - ADU Development²⁷⁴ Group Residential Facility Live-Work 4102.3.D Development²⁷⁵

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	Conventional		Cluster	
District size, minimum	No requirement		10 acres [1]	
Density, maximum	1 du/ac		Approved by special exception:	
			1.1 du/ac	
			If the result of a proffered rezoni	
			from a district that allows a dens	
			of less than 1 du/acre: 1 du/ac	
Open space, minimum [2]	No requirement		30 percent of the gross area	
Lot area, minimum		square feet	25,000 square feet	
Lot width, minimum	Interior	Corner	Interior	Corner
	150 feet [1]	175 feet [1]	No requirement	125 feet [1
	Single-family dwellings		- Other uses	
	Conventional	Cluster		
			See Table 21022.4a below ⁵⁵	
Front setback, minimum	40 feet	30 feet	See Table 2102	22.4a below ⁵⁵
Front setback, minimum	40 feet	30 feet 12 feet		
Front setback, minimum Side setback, minimum	40 feet 20 feet		Setback equal to bu	uilding height, b
		12 feet	Setback equal to bu	uilding height, b 20 feet
Side setback, minimum	20 feet	12 feet (total minimum	Setback equal to be at least : Setback equal to be	uilding height, b 20 feet uilding height, b
Side setback, minimum Rear setback, minimum	20 feet 25	12 feet (total minimum 40 feet)	Setback equal to bu at least : Setback equal to bu at least :	uilding height, b 20 feet uilding height, b 25 feet
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Zoning Ordinance Modernization

- 3+ years of outreach with 100+ public meetings
- 9 Articles
- Plain language
- Easy to use platform

Accessory Structures and Uses



Freestanding Accessory Structures

- Consolidates "sheds" and all other freestanding accessory structures
- Deletes 200 SF maximum shed size

Up to 8.5 Feet

Anywhere in the side or rear yard

Greater than 8.5 feet
to 12 Feet
5-foot setback from
side and rear



Greater than 12 Feet

Must meet side setback and distance in height from rear



Enclosed Freestanding Accessory Structures

New regulations apply to enclosed freestanding accessory structures on lots 36,000 SF in size or less with single-family dwellings:

- Maximum height is 20 feet
- Cumulative maximum size of all enclosed accessory structures on a lot is limited to 50% of the size of the principal structure

*These limitations may be exceeded with special permit approval



Decks and Patios

Decks and patios that encroach into setbacks are now permitted to:

- Encroach into any side or rear yard if at grade (8 inches or less)
- Have lattice (private screens) below the deck for a deck of any height
- Have lattice up to 8.5 feet in height above the deck extending from two sides of the dwelling
- Include deck elements (such as pergolas, trellises, and overhanging planters) up to 8.5 feet in height and 3 feet wide



Other Accessory Structure and Extension Standards





Carports

Flags and Flagpoles

Shipping Containers

Other Accessory Structure and Extension Standards — cont'd

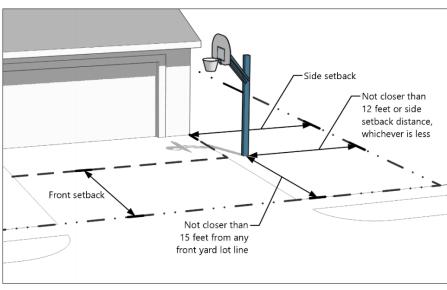
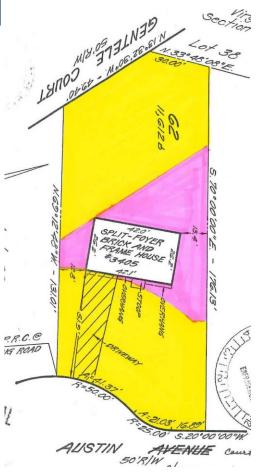


Figure 4102.3: Basketball Standard Setbacks

Basketball Standards



Solid Waste/Recycling
Containers



Structures on Through Lots

Inoperative Vehicles

- Carried forward: Inoperative vehicles must be kept in an enclosed structure or completely screened from view
 - Per Ch. 110, screened from view means not visible at ground level from outside the property
- New: Any vehicles covered by a tarp are considered outdoor storage
 - For residential, this is limited to 100 SF, not in the front yard
- New: In residential areas, a maximum of two vehicles may be kept under a fitted vehicle cover specifically designed for this use



New "Green" Uses

Electric Vehicle Charging

- Accessory to a principal use
- When accessory to any residential development, limited to Level 1 or Level 2 chargers



Solar Collection System

- Accessory solar primarily meeting on-site demands
- Roof-mounted can exceed maximum building height by five feet
- Ground-mounted are subject to freestanding accessory structure setbacks



Keeping of Animals

- Allows up to four companion animals to be sheltered/fed/watered for a fee (i.e. Rover, DogVacay, and Fetch)
- "Commonly accepted pets" definition deleted –
 Department of Animal Sheltering will determine whether
 animals are permitted or fall under wild/exotic per Ch.
 41.1
- BZA cannot allow a rooster with SP
- Up to three dogs now allowed on 10,000 SF lots (previously required 12,500 SF)



Nonresidential Uses in Residential Districts



Alternative Use of Historic Buildings

- Incentivizes historic preservation by allowing appropriate adaptive reuse
- Replaces the "older structures" SP with a new SE for nonresidential uses at historic sites on the Fairfax County Inventory



Bloomfield (Holly Knoll) c. 1858

Club, Service Organization, or Community Center

- Consolidates certain previous special permit uses and special exception uses
 - Jewish Community Center (previous Category 3 special exception)
 - Mott Community Center (previous Group 4 special permit)
- New standard for consideration of and conditions on non-member events in residential districts

^{*} Community swim, tennis, and recreation clubs will continue to be an SP



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

Other Changes to Residential Uses and Properties



Stacked Townhouse Dwelling

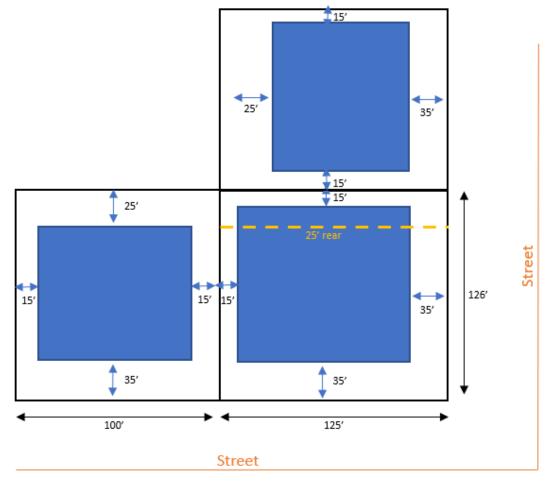


New dwelling unit type with own use name, definition, and standards

- Dwellings arranged in vertical stacks of two units
- Permissions aligned with MF; setbacks aligned with SFA (but taller heights permitted)
- Parking: 2.3 spaces/unit
- ADUs: Aligned with SFD and SFA

Rear Setbacks - Corner Lots

- No longer allowed to be the same dimension as the side
- Requires 25-foot setback for SFD in R-E through R-8 Districts
- Additional required lot width offsets setbacks



^{*}New setback only applies to new construction; additions to existing homes can continue to use previous side setback dimension

Setbacks — P Districts without Proffered Yards

Instead of the setback for a single-family dwelling being the cluster provisions of the most similar conventional district, additions can be located the existing distance to the lot line, whichever is less



Setbacks from Interstates and Railroad Tracks

Removed the term "abutting," meaning the 200-foot setback is now applied to all lots within the setback, not just those touching the ROW

Modifications may be approved by the Board, and the Zoning Administrator can modify the setback when meeting it would prevent development of the lot

