

FAIRFAX COUNTY ZMOD - SYNOPSIS OF COMMENTS

In 2017, Fairfax County launched a major initiative to modernize its Zoning Ordinance that was adopted in 1978. Dubbed “zMOD,” the effort will help the County carry out its strategic plan to grow and diversify its economy. The first phase of the zMOD Project focuses the following areas:

- *Restructuring the ordinance to make it more user friendly, such as including more charts, tables and links, as well as more easily understandable language*
- *Updating and revising land use categories for permitted, special exception, and special permit land uses and their regulations*

*This document provides a synopsis of comments received from community members, County officials, work groups, and staff on the posted zMOD drafts since the publication of the Use Regulations Consolidated Draft originally released in May of 2019. Comments that have been received through **January 24, 2020** are included below. Comments have been condensed, broadly summarized, and grouped by general topics. This summary does not include each individual comment received but serves as a general representation of the ideas provided during the outreach process. This synopsis will be updated periodically as future meetings are held and additional comments are received.*

Use Regulations Consolidated Draft

Accessory Dwelling Units

- Consider removing the age and disability limitations; the occupancy of an accessory dwelling unit can have a lifecycle
- Keep the age and disability limitations because of concerns about the number of people and vehicles
- Requiring 2+ acres for a detached accessory dwelling unit: comments both that it is too restrictive and that it would effectively double density
- Allowing a detached unit on less than two acres would be consistent with the current allowance for “granny pods”
- It is important to have an upper limit on the square footage for a detached unit
- The 1,500-sq. ft. limit (detached units): comments both that it is too high and that it is too low on large lots Concern was expressed about a detached accessory dwelling unit once the home is sold to another buyer who does not meet the age and disability requirements
- Concern was expressed that locations such as at the end of a court don’t have enough room for parking
- The descriptions for occupancy of a dwelling and accessory dwelling unit should be updated
- Size limits and other standards should be viewed through the equity lens (general comment)
- Keep all current standards. Any changes should only be considered as part of a separate Zoning Ordinance amendment. Continue to require a special permit for all accessory dwelling units because this provides notification to the surrounding neighborhood

Electric Vehicle Charging Spaces

- EVC spaces should be counted towards the minimum required parking
- Maximums on the number of EVC spaces should not be added; more flexibility is better

- Standards for screening of equipment and aesthetics are appropriate, but some older centers might not be able to accommodate screening, and this should not trigger a Board-approval process
- Increase allowable height of dispensers to nine feet
- Signage can help with locating EVC spaces on a lot
- Facilitate conversion of gas stations to EVC stations with a by right or expedited process

Freestanding Accessory Structures

- Provide a height range [10-12 feet] to advertise for the BOS
- Structures up to 12 feet in height should be allowed anywhere in the side and rear yards
- 10 to 12 feet in height is too tall to be located 5 feet from the side and rear
- If a freestanding accessory structure would be allowed 5' from a lot line, why not a carport?

Home-Based Businesses

- Concerns were expressed about home-based businesses when there isn't adequate parking, water, and sewer
- Will the rules be circumvented by saying it is a hobby and not a business?
- Parking is a major concern and is not addressed in the standards; can the use be prohibited in a garage?
- Customers should not be allowed when a daycare is onsite
- Concerns about impacts on residential neighborhoods and allowing home businesses when commercial and office properties are vacant
- The regulations should be expressed in simple terms, such as a single cumulative standard for the total number of employees and customers
- For the cumulative number of customers with short-term lodging, does it need to be clarified how it is counted if some guests leave in the morning and others arrive in the evening?
- The same standard for identifying a designated parking space as included for accessory dwelling units could also be included for this use
- A special permit should be required in order to address concerns about parking and hours of operation
- Customers are more of a concern with townhouses and multifamily than with detached units
- Eight customers in a day may be too many
- Size limits and other standards should be viewed through the equity lens (general comment)
- Will approved administrative permits be available online?
- Make sure that unintended uses are not allowed with the standard for prohibited uses

Temporary Events

- The deadline for application submission should not be increased to 6 weeks prior to the event; an analysis of the timeline should be provided
- Consider a threshold (e.g., number of people or size of space) for requiring an administrative permit, and consider exempting Tysons

Miscellaneous Comments

- Allow "urban" model for car rental with only a few cars (~25) and small office
- Allow "urban" car dealership like Tesla in Tysons as retail
- The standards should be written keeping enforcement in mind

Zoning and Overlay Districts Draft

Commercial Revitalization Districts

- Apply CRD parking reduction to all CRDs, not just select ones like Richmond Highway: comments both in favor and not in favor

Corner Lots

- If the proposed change to the rear setback only applies to new construction, what is considered an addition vs. new construction? Concerns about grandfathering
- The current rules provide inadequate setbacks on the rear sides of homes, which has led to harm to adjacent interior lots. Corner lots should have to meet the rear setback like this revision proposes.
- The front lot line should be revised to be linked to the orientation of the house on the lot
- The proposed change unnecessarily limits homeowners from using their corner lots appropriately, especially when proposing to construct a home at an angle
- Provide additional illustrations showing non-rectangular lots
- The current corner sight distance requirements should not apply in P districts

Miscellaneous Comments

- Make sure it's clear that the Setback Relative to Height table is clearly distinguished from the residential lot layout diagram.
- The setback for a side-entry garage should be large enough to accommodate the vehicle turning radius.

Development Standards, Parking, and Signs Draft

Affordable Housing

- More affordable housing is needed, including as part of developments with places of worship

Carpports, Decks, and Patios

- Extensions for carports should continue to be allowed and don't add new restrictions on enclosing carports; clarify when this change would apply
- Don't add new restrictions on patios since they already don't need building permits
- The BZA sees many violations for patios, and these are almost never denied, so maybe the regulations should be more lenient
- Should allow more than just lattice as permitted deck modifications
- Lattice should be allowed below a deck that is not above a walk-out basement and the height may need to be increased
- Concern about the limitation on lattice to only 2 sides. People may want privacy and lots are configured in a variety of ways

Cluster Subdivisions

- Concern that changing from 50' width to "usable" open space may not allow for the open space to be for RPA protection

Parking

- Parking rates need to be reduced

Miscellaneous Comments

- Provide clear links to PFM and other external documents
- Alphabetize definitions

General Comments

- There should be more than one public hearing; changes could be discussed in groups of topics
- Consider including a note that there may be HOA requirements that are more restrictive
- Tag terms with common words for the search function. For instance, a freestanding accessory structure should be tagged with terms such as “swing set.”
- The “plain English” should be tested and designed to a certain grade level