

# ZONING

## Fundamentals, Structure Options, and Trends



**CLARION**

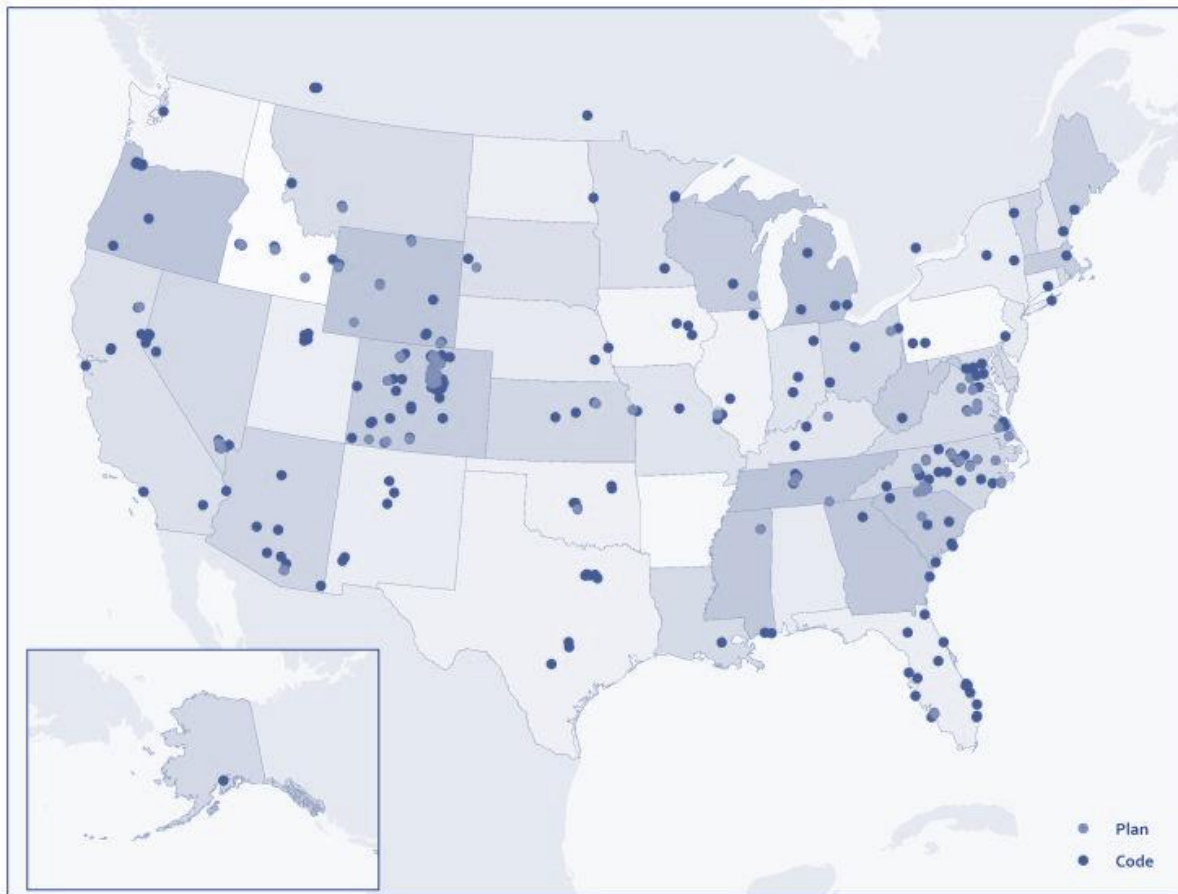
May 2018



# Today's discussion

- Overview of the zMOD project
- Zoning Ordinance fundamentals
- Zoning Ordinance structure options
- Trends in Zoning Ordinances
- Questions & discussion

# CLARION



# 180

## Zoning Ordinances

Significant experience  
with zoning under  
Virginia law

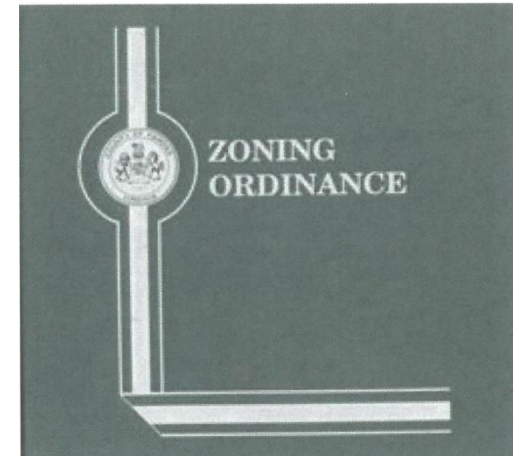
# Overview:

## The zMOD project



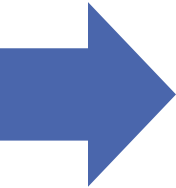
# Why update the zoning ordinance?

- The structure of the current Zoning Ordinance is outdated
- The current structure makes it difficult to take advantage of new technology
- The format of the current Zoning Ordinance lacks graphics and illustrations and is not user-friendly
- The current Zoning Ordinance does not reflect current land uses or emerging trends in zoning



## Phase 1 (now)

- Improve format and structure of the Zoning Ordinance
- Categorize and modernize land use



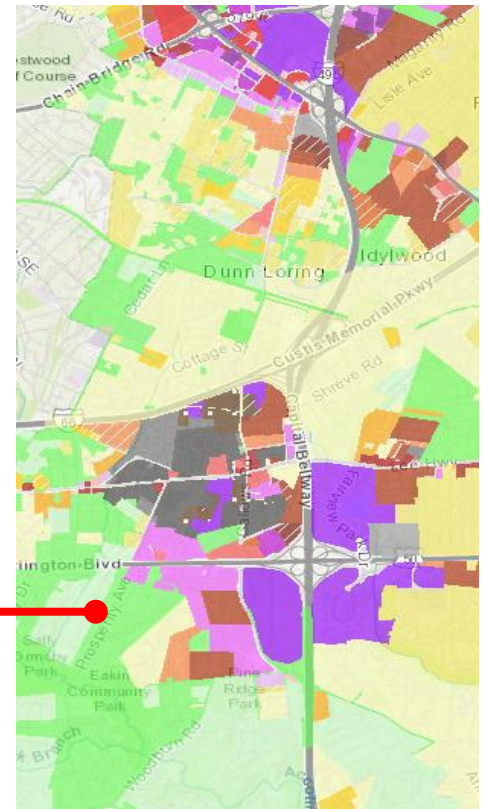
Phase 1 Tasks	2018				2019		
1. Project Initiation							
2. Initial Round of Public Outreach/Feedback							
3. Determine the Revised Zoning Ordinance Structure							
4. Update Land Uses							
5. Modernize the Zoning Ordinance Structure and Format							
6. Outreach/Engagement							
7. Adoption							

**Phase 2 (later)** -- additional updates to the Zoning Ordinance

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# Zoning text vs. zoning map

- **The text** – Lists and standards for what you can build and what activities you can do on property in the various zoning districts
- **The map** – Identifies where each set of standards applies (**Changing the Fairfax County zoning map is not part of the zMOD project**)



# Outreach and engagement

- Project website — <https://www.fairfaxcounty.gov/planning-zoning/zmod>
- Online surveys
- E-mail list for notices
- Facebook page for notices — <https://www.facebook.com/fairfaxcountyzoning/>
- Public meetings
- Individual and small group interviews
- Short video clips



# Changes will be noted

- All existing Zoning Ordinance information that is carried forward can be located easily in the new structure
- All changes made to the Zoning Ordinance will be noted in extensive footnotes
- Information that is deleted as repetitive will also be noted in footnotes

# Fundamentals: Zoning 101



# What's in a zoning ordinance?

- **Zoning districts** – All land in the County is classified in one of 33 zoning districts, which regulate the use of land
- **Land uses** – What uses are allowed? Where are they allowed? Under what conditions?
- **Quality/layout standards** – What are the development and design regulation standards (e.g., building height, parking, landscaping)?
- **Procedures** – How are development projects evaluated, approved, and enforced?

# What's NOT in a zoning ordinance?

- **Subdivision Regulations**

Rules for the creation of new developable lots are contained in the County Code

- **Building Safety Standards**

Rules for constructing safe buildings are in the building code

- **Public Improvement Standards**

Standards for constructing infrastructure are in the Fairfax County Public Facilities Manual (PFM)

[illegible]

# Current Fairfax County Zoning Ordinance Structure

## Articles

- |   |  |  |
|---|--|--|
| 1. The Constitution of the Ordinance        | 8. Special Permits   | 15. Nonconformities                                      |
| 2. General Regulations                      | 9. Special Exceptions  | 16. Development Plans                                    |
| 3. Residential District Regulations         | 10. Accessory Uses, Accessory Services Uses and Home Occupations | 17. Site Plans   |
| 4. Commercial District Regulations          | 11. Off-Street Parking and Loading, Private Streets              | 18. Administration, Amendments, Violations and Penalties |
| 5. Industrial District Regulations          | 12. Signs  | 19. Boards, Commissions, Committees                      |
| 6. Planned Development District Regulations | 13. Landscaping and Screening                                    | 20. Ordinance Structure, Interpretations and Definitions |
| 7. Overlay District Regulations             | 14. Performance Standards  |  |

## Appendices

1. Historic Overlay Districts
2. Illustrations
3. Enabling Legislation
4. [Deleted by Amendment]
5. Fairfax County Board of Supervisors' Policy on Accessory Dwelling Units
6. [Deleted by Amendment]
7. Commercial Revitalization Districts
8. Listing of Roadways by Function Classification

# Weaknesses of the current structure

- Scattered and duplicative information
- Unnecessary length
- Not many graphics or tables
- Repetitive lists of land uses
- Challenging navigation due to separate PDF articles
- Poor formatting of headers, footers, and subheadings

# **Zoning Ordinance structure used in other jurisdictions**

1. Indianapolis, Indiana
2. Norfolk, Virginia
3. Philadelphia, Pennsylvania
4. Prince George's County, Maryland

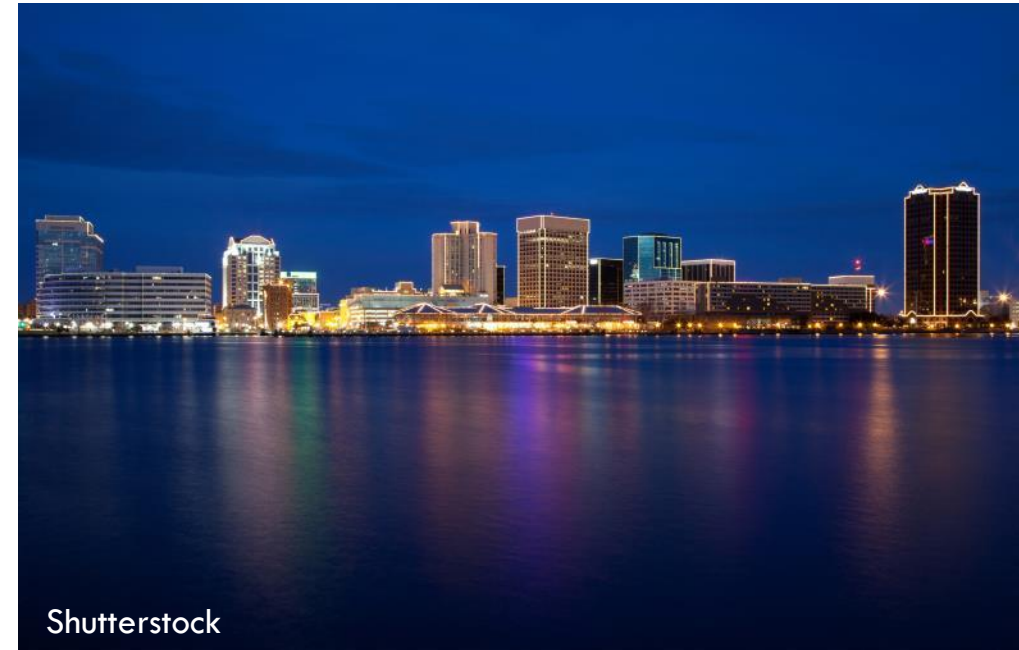
# Indianapolis, Indiana

- **General Provisions**
- **Subdivision Regulations**
- **Zone Districts**
- **Permitted Uses & Use-Specific Standards**
- **Development Standards**



# Norfolk, Virginia

- **General Provisions**
- **Administration**
- **Zoning Districts**
- **Performance Standards**
- **Development Standards**
- **Nonconformities**
- **Enforcement**
- **Definitions and Rules of Measurement**
- **Legacy Development Approvals**



# Philadelphia, Pennsylvania

- **General Provisions**
- **Definitions**
- **Administration and Procedures**
- **Base Zoning Districts**
- **Overlay Zoning Districts**
- **Use Regulations**
- **Development Standards**
- **Parking and Loading**
- **Signs**
- **Historic Preservation**



# Prince George's County, Maryland

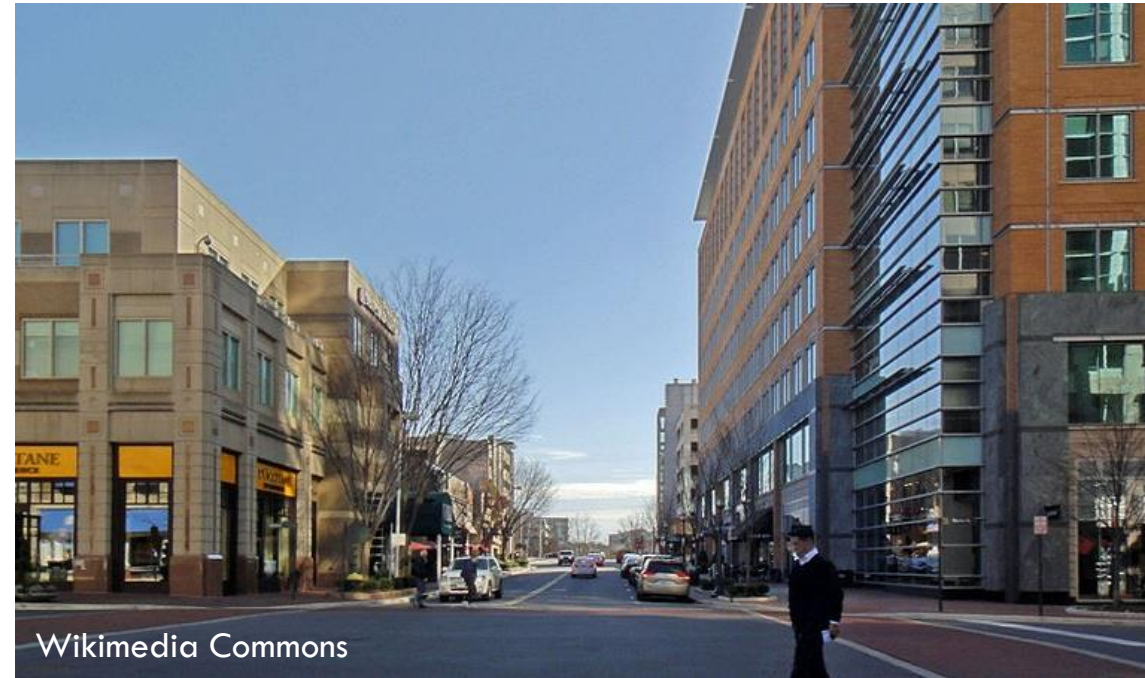
- **General Provisions**
- **Definitions and Interpretation**
- **Administration**
- **Zones and Zone Regulations**
- **Permitted Use Regulations**
- **Development Standards**
- **Nonconformities**
- **Enforcement**
- **Activity Center Boundaries**

**+ Plus separate subdivision regulations**



# Currently proposed structure for Fairfax County\*

- 1. General Provisions**
- 2. Zoning Districts**
- 3. Overlay Districts**
- 4. Use Regulations**
- 5. Development Standards**
- 6. Parking and Loading Standards**
- 7. Sign Standards**
- 8. Procedures and Enforcement**
- 9. Definitions**



\*This structure may change if a more logical structure is identified through the process

# Currently proposed structure for Fairfax County\*

## 1. General Provisions

- Authority
- Applicability
- Grandfathering
- Severability
- Enabling legislation

## 2. Zoning Districts

For each of the existing zoning districts:

- Purpose statement
- Summary of key dimensional standards
- Standards unique to that district
- Cross-references to use regulations and other Zoning Ordinance standards

## 3. Overlay Districts

- Historic
- Natural Resources
- Airport Noise
- Water Supply Protection
- Commercial Revitalization

## 4. Use Regulations

- Land use tables summarizing permitted, Special Exception, and Special Permit uses; where and how they are permitted
- Land use tables for accessory and temporary uses
- Use-specific standards
- Highway Corridor Overlay

\*This structure may change if a more logical structure is identified through the process

# Currently proposed structure for Fairfax County\*

## 5. Development Standards

- Lot and building dimensions
- Landscaping
- Lighting
- Floodplains
- Affordable Housing
- Vibration

## 6. Parking and Loading Standards

- Parking and loading amount standards
- Parking and loading design requirements

## 7. Sign Standards

- Sign regulations
- Sign Control Overlay District standards

## 8. Procedures and Enforcement

- Review and decision-making bodies
- Summary table of Zoning Ordinance procedures for review and approval of proposed development
- Procedures
- Summary table of submission requirements
- Application-specific review and approval procedures
- Nonconformities
- Enforcement, violations, and penalties

## 9. Definitions

- Definitions of terms

\*This structure may change if a more logical structure is identified through the process

# Benefits of the currently proposed structure

- Consolidates 27 different articles and appendices into 9 articles covering broader topics to make the ordinance easier to use, navigate, and maintain
- Maintains most overlay districts in a separate article to highlight key areas where additional standards apply
- Locates all use-specific standards into one article to improve user-friendliness
- Keeps parking standards and sign regulations separate from other development standards, because they often apply to changes of use even if significant redevelopment is not occurring

## Benefits of the currently proposed structure (cont.)

- Consolidates tables to reduce repetition and the unintentional inconsistencies that arise over time
- Consolidates all other development standards, such as development intensity, landscaping, lighting, floodplains, and affordable housing
- Integrates relevant information from appendices into the ordinance
- Revised structure to make it more intuitive and easier to find frequently used information
- Groups topics to promote more consistent amendments

# Questions & Discussion



**CLARION**

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# The BIG picture

**When communities update their documents, they often strive for:**

1. Closer alignment with the Comprehensive Plan
2. Simpler structure
3. Broader use categories
4. More and better graphics
5. Online / interactive document

# More graphics (examples)

Table 030.1: Table of Allowed Uses																		
P = permitted by right S = special use permit required Blank = use prohibited																		
Use Category	Proposed Districts →  Use Type	RR	RL	RM1	RM2	RH	RT	M1	M2	M3 (NEW)	CO	RE	I1	I2	IN (NEW)	HP	Use-Specific Standards	Required Parking <sup>160</sup>
Residential Uses																		
Household Living	Dwelling, live-work (new)					P	P	P	P	P	P	P	P	P			070.030.030(c)(2)	1 per dwelling unit
	Dwelling, multifamily <sup>161</sup>				P	P	P	P	P	P	P	P					070.030.030(c)(1)	2 per dwelling unit, plus 1 guest space per each 5 dwelling units <sup>162</sup>
	Dwelling, townhouse <sup>163</sup>				S P	P	P	P	P	P	P	P				S	070.030.030(c)(1)	1.5 per dwelling unit, plus 1 guest space per each 5 dwelling units
	Dwelling, single-family detached	P	P	P	P	P	P	P	P		P	P				S	070.030.030(c)(1)	1 per dwelling unit
	Dwelling, two-family <sup>164</sup>		S	S P	P	P	P	P	P		P					S	070.030.030(c)(1)	1.5 per dwelling unit
	Mobile home park					S	S	S			P						070.030.030(c)(3)	1 per dwelling unit
	Accessory dwelling unit	P	P	P	P	P	P	P	P		P	P				S	070.030.040(d)(1)	1 per unit <sup>165</sup>
Group Living	Convalescent or nursing home							P	P		P	P			P			1 per 3 beds

## 2.13. M3: Mixed-Use Activity Center<sup>37</sup>

### A. Purpose

The M3 district is established to provide for pedestrian-friendly areas of medium- to higher-density residential development and compatible nonresidential uses such as offices, supporting commercial and service uses, other civic and community uses, and incidental or accessory uses. Development shall be at a walkable scale that is compatible with surrounding residential neighborhoods. The district is intended to allow for a greater vertical and/or horizontal mix of uses and is appropriate near primary and secondary activity centers.

### B. M3 Lot and Building Standards

Lot Standards (minimum)	
A Width (measured at lot frontage)	25 feet
Area	5,000 sq. ft. <sup>18</sup>
Setbacks	
B Front, minimum	5 feet
C Front, maximum <sup>19</sup>	10 feet
D Side, minimum	3 feet
E Rear, minimum	10 feet
Height (maximum)	
F Building height	25 ft. (See Sec. 2.23)
Impervious Coverage (maximum)	
Building coverage	75 percent
Total coverage	90 percent

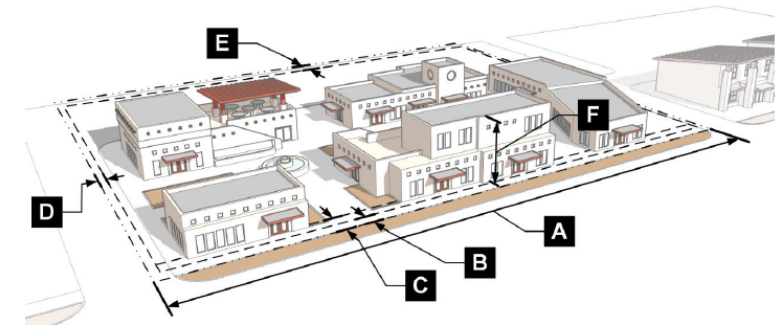
### C. Other Standards

Other Standards	Location in LDC
Measurements and Exceptions	Section 2.23
Use Regulations	Article 3
Neighborhood Protection	Section --
Off-Street Parking	Section --
Building Design	Section --
Landscaping	Section --

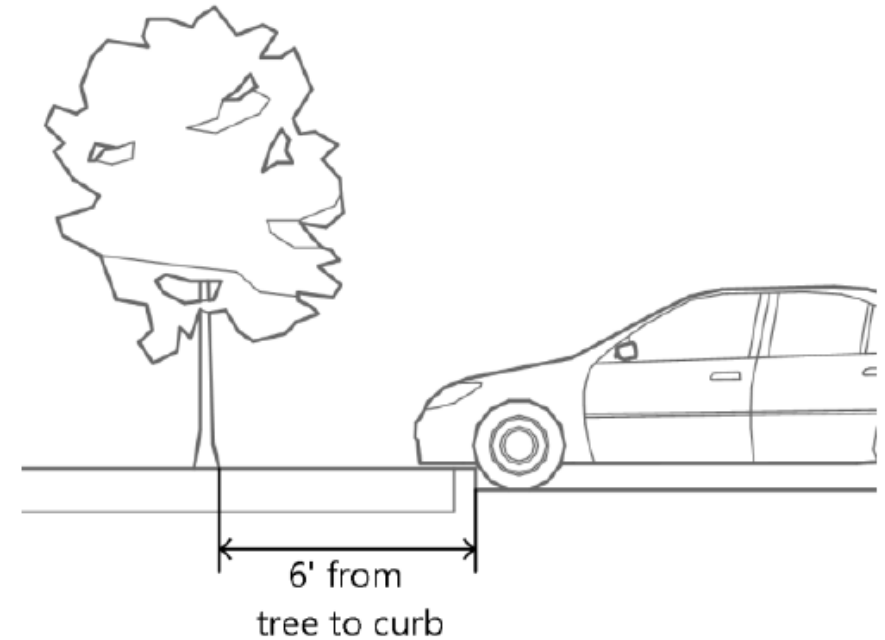
#### Notes:

#### Sedona Community Plan says...

Ensure that a balance of land uses is maintained and identify areas for concentrated, mixed-use development, public gathering places, and land use transitions to provide healthy and sustainable residential neighborhoods and commercial areas and to address specific area needs. (p.53)



# More graphics (examples)



# Online access



# Zoning Trends: Land uses



# Zoning trends for land uses

1. Defining broader and more flexible land uses
2. Addressing a mixed of uses
3. Addressing new uses
4. Continuing to focus on neighborhood compatibility

**All proposed changes in use definitions, and where they are allowed as permitted, Special Exception, or Special Permit uses, will be footnoted and subject to citizen outreach and engagement**

## Defining broader/more flexible land uses

- The market will think up new uses faster than a community can add them to the Zoning Ordinance
- Broader uses allow for more streamlined decision-making
- Broader uses allow a “yes” to uses with similar impacts, without having to list each use

# Defining broader/more flexible land uses

## A better structure:

Use category

- example – **commercial**

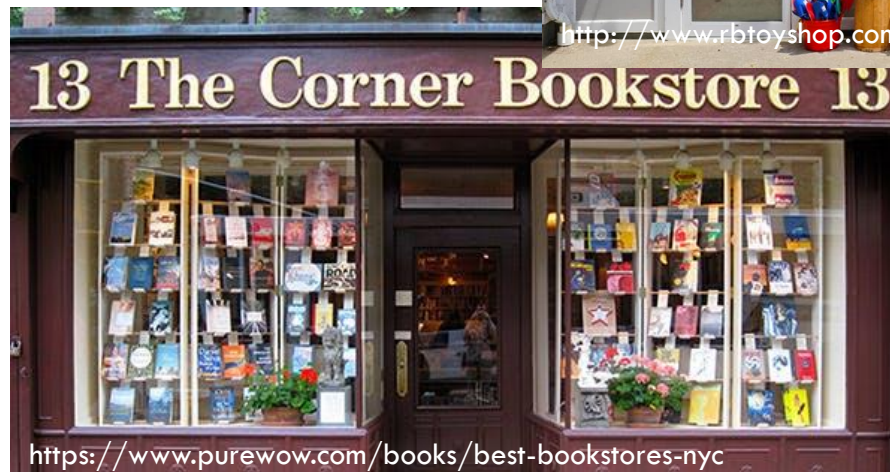
Use subcategory

- example – **retail uses**

Use type

- example – **retail sales small**

**NOTE:** Many new ordinances focus on the scale of the use in order to improve the fit with different types of neighborhoods.



**Table 3.2-1  
Permitted Use Table**

P = Permitted  
C = Conditional use  
A = Accessory to primary use

T = Temporary use  
V = Permitted if structure vacant for 10 years  
or more

ZONE DISTRICT	RESIDENTIAL						MIXED-USE										NON-RESIDENTIAL					USE SPECIFIC STANDARD
Zoning Districts	R-R	R-1	R-2	R-3	R-4	R-MH	MU-N	MU-OI	MU-C	MU-OA		MU-FB	MU-TOD		MU-R	MU-A	AD	APZ	I-1	I-2	POS	
										Main Street	General		Core	Edge								
Land Use																						
RESIDENTIAL USES	Use Category																					3.3.2.A
Household Living	Use Subcategory																					
Dwelling, multifamily			P	P	P		P	P	P	P	P	P	P	P	P	P						3.3.2.F
Dwelling, single-family attached (townhouse)			P	P	P		P		P	P	P	P	P	P	P	P						3.3.2.G
Dwelling, single-family detached	P	P	P	P	P				P	P	P				P							3.3.2.H
Dwelling, two-family (duplex)	Use Type			P	P								P	P	P	C						3.3.2.I
Manufactured housing	P	P	P			P																3.3.2.J
Group Living																						
Congregate living facility								C	C													
Continuing care retirement facility			P	P	P			P	P	P	P	P	P	P	P	P						3.3.2.K
Dormitory, fraternity, or sorority house					P			P							P	P						

# EXAMPLE

**Table 3.1**  
**Table of Allowed Uses**

P = permitted C = conditional use permit required A = accessory Blank Cell = use prohibited

	Residential								Non-Residential						Other		Use-Specific Standards	
	RS-70	RS-35	RS-18	RS-10	RS-6	RMH	RM-1	RM-2	RM-3	M1	M2	M3	CO	IN	L	CF		OS
Healthcare Facilities																		
Hospital <sup>8</sup>											P	P	P		P			
Medical or Dental Clinic										C	P	P	P		P			
COMMERCIAL USES																		
Agricultural and Animal Uses																		
Agriculture, General <sup>9</sup>	P	P															C	3.3.C(1)
Agriculture, Urban <sup>10</sup>	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	3.3.C(2)
Kennel, Commercial													C	P				3.3.C(3)
Stable, Commercial <sup>11</sup>	P	P																3.3.C(4)
Veterinary Hospital or Clinic										C	P	P	P	P				3.3.C(5)
Recreation and Entertainment																		
Campground															C	C	C	3.3.C(6)
Indoor Recreation Facility								A	A	P	P	P	P	P	P	P		3.3.C(7)
Outdoor Recreation Facility	CA	CA	CA	CA	A	A	A	A	A		C	C	C	C	C	C	C	3.3.C(8)
RV Park															C	C		3.3.C(9)

# EXAMPLE

**TABLE 5-1 TABLE OF ALLOWED USES**

		Residential					Commercial/ Mixed-Use					Other			Use-specific Standards
Use Category	Use Type	RS	RN	RL	RM	RH	GW	CO	LI	CC	MU	OS	PR	PF	
RESIDENTIAL USES															
Group Living	Group care facility					●	●				●				
	Senior housing					●	●				●				
Household Living	Cabin housing		●	●	●	●				●	●				5.2.1 *on Granite & Galena Streets only
	Duplex and two-unit townhomes		●	●	●	●				●	●				5.2.8
	Fractional ownership unit					●	●			●	●				
	Multi-unit dwellings				●	●	●			●	●				5.2.8
	Single-household detached dwelling	●	●	●	●	●	●			●	●				5.2.8
	Townhomes, attached or standalone			●	●	●				●	●				5.2.8
PUBLIC, INSTITUTIONAL, AND CIVIC USES															
Community and Cultural Facilities	Activities for conservation of natural resources and the environment												●		
	Arts and entertainment center						●	●		●	●				
	Community center							●		●					
	Church or place of worship and assembly			●	●	●				●	●			●	
	Homeowner association recreation facility	●		●	●	●									
Child Care Facilities	Child day care center		●	●	●	●		●			●				
	Family day care	●	●	●	●	●									
Educational Facilities	School, Type 1			●	●	●					●			●	
	School, Type 2			●	●	●		●			●			●	
	School, Type 3							●			●			●	
Institutional Uses	Institutional use	●	●	●	●	●	●	●	●	●	●		●		
Parks and Open Space	Active recreation												●	●	
	Common area	●	●	●	●	●									
	Common building		●												
	Marina										●		●		
	Open space	●	●	●	●	●	●	●	●	●	●	●	●	●	
	Park	●	●	●	●	●				●			●		
	Park, public or private												●		
	Passive recreation and open space use (no site disturbance; compatible with natural state)												●	●	
Passive recreation and open space use some site												●	●		

# Trends in addressing mixes of uses

- Striving to improve walkability and reduce vehicle miles travelled
- Responding to synergy created by mixing uses
- Clarifying the intended predominant character of mixed use areas (e.g., residential vs. commercial)



# Addressing new uses

## How did we get here?

- Changing market conditions
- Changes in the law (think telecommunications)
- Innovation
- The sharing economy (think Uber, Lyft, AirBnB)

## Why is this a trend?

- New uses often have unique impacts (think electric vehicle charging stations)
- Important to send accurate signals to the market as to what new uses are now allowed



# Current Zoning Ordinance Amendments

## Approved amendments:

- Restaurants

## In-process amendments:

- Short term lodging
- Farmers markets and community gardens / Agritourism
- Small-scale production and manufacturing in commercial districts
- Continuing care for aging residents

Z M O D



# Addressing new uses – examples

## Housing

- Live/work
- Co-housing
- Microunits
- Tiny homes



# Addressing new uses – examples

## **Accessory uses**

*(uses that are allowed as secondary and subordinate to a legal primary use of property)*

- Accessory retail
- Alternative energy
- Home occupations
- Outdoor dining



# Addressing new uses – examples

## Entertainment & events

- Hookah bars
- Indoor entertainment
- Banquet halls
- Live entertainment



# Addressing new uses – examples

## Institutional care

- Adult day care
- Assisted living
- Continuum of care
- Group living protected by the federal Fair Housing Act



# Addressing new uses – examples

## Other uses

- Artisanal manufacturing (think maker spaces)
- Fulfillment centers
- Short-term home rentals
- Electric vehicle charging stations
- Urban agriculture



# Continuing to focus on neighborhood compatibility

## How did we get here?

- New uses may bring new impacts
- Stable neighborhoods need to be protected
- Challenging to mitigate impacts in areas between nodes/corridors and neighborhoods

## Why is it a trend?

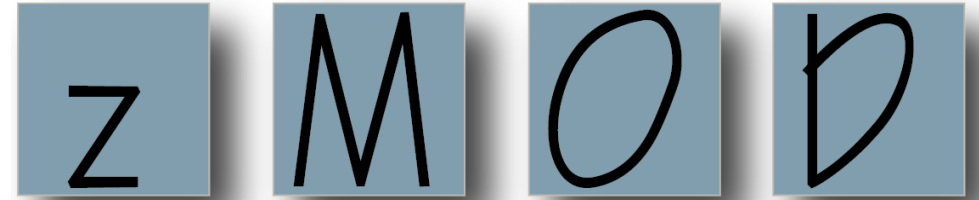
- Known issues with incompatible uses need to be addressed
- Flexibility for new uses should not come at the expense of neighborhoods



## Continuing to focus on neighborhood compatibility

- As broader uses are defined and new land uses are added, tools to ensure compatibility with the surrounding neighborhoods need to be included





## Next steps

- Determining revised zoning ordinance structure (Spring)
- Updating land uses subject to further outreach and engagement (Summer/Fall)

**Stay involved !**

[fairfaxcounty.gov/planning-zoning/zmod](https://fairfaxcounty.gov/planning-zoning/zmod)

# Questions & Discussion



**CLARION**

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