

**ADOPTED 2018 ZONING ORDINANCE AMENDMENT WORK PROGRAM
PRIORITY 1 NARRATIVE**

*(Includes the 2018 Priority 1 Zoning Ordinance Amendment Work Program
and the 2018 zMOD Initiatives, collectively referred to as 2018 ZOAWP)*

Below is an alphabetical list and description of the amendments proposed to be evaluated as part of the on-going zMOD initiatives and the 2018 Zoning Ordinance Amendment Work Program (ZOAWP). Timing for consideration of the proposed amendments on the ZOAWP is identified as either “First Tier”, “Second Tier”, “Pending” or “To Be Determined (TBD).” The First Tier amendments are anticipated to be reviewed and brought forward for discussion/authorization within the first six months of the Fiscal Year 2019 and items identified as Second Tier would be considered in the second half of the fiscal year. Items identified as “Pending” have been authorized as of the date of preparation of this Work Program. Those items identified as “TBD” would be included with other items or brought forward throughout the term of the 2018 ZOAWP.

Zoning Ordinance Modernization (zMOD) Initiatives

- 1. **Building Repositioning/Repurposing** – amendments to permit office-to-residential/mixed use conversions, flex units, maker spaces, small-scale production facilities, and other similar uses.
 - A. **Small-Scale Production Facilities** – consider establishing a use category for production/assembly/manufacturing establishments of a limited size in commercial areas to accommodate uses such as include indoor food production, 3-D printer manufacturing, etc.
 - B. **Temporary/Pop-Up Uses** – consider establishing a use category for short-term uses that occupy vacant spaces for a limited period of time, such as restaurants, art galleries/shows/performances, etc.
- 2. **PDH District Regulations** –to include review of the Purpose and Intent provisions, as well as yards, uses, processes and issues impacting homeowners, particularly related to small-scale PDH developments, including HOA maintenance and other topics.
- 3. **Re-Format and Restructure Provisions** - to include use of tables, illustrations and web-enabled links/content, to create streamlined, user-friendly document that is usable on multiple electronic platforms
- 4. **Sign Ordinance** – in two parts: First, content neutrality; Second, size, height and location considerations and Comprehensive Sign Plan review process.
- 5. **Use Categories** - to include combining uses into more generic categories to accommodate emerging trends, reduce need for determinations and to more accurately reflect current/future changes in the industry.

PRIORITY 1 ZONING ORDINANCE AMENDMENT INITIATIVES

1. **Accessory Structure Size** – Consider limiting the size of an accessory structure relative to a principal structure that can be permitted by right and allowing larger accessory structures with special permit approval by the BZA. **(Second Tier)**

2. **Agricultural Districts and Uses** – Review zoning districts in which agricultural activities are permitted; address trends to include more community-based and urban agricultural forms; address agritourism uses as set forth in the State Code; and review provisions allowing for the sale of agricultural/garden products.
 - A. Community Gardens/Urban Agriculture **(First Tier)**

 - B. Sales/distribution of Garden/Farm Products (including wayside stands, farm markets, open air produce stands, farmers’ markets) **(First Tier)**

 - C. Residential Gardening as an Accessory Use **(First Tier)**

 - D. Agritourism Uses **(Second Tier)**

 - E. Industrial, Commercial and Container Agriculture **(Second Tier)**

 - F. Industrial Composting **(Second Tier)**

3. **Application Fees** – Evaluate application fees in conjunction with the next budget cycle to determine if adjustments are warranted. **(Second Tier)**

4. **Editorial and Minor Revisions**
 - A. Accessory Dwelling Units – clarify Special Permit provisions to specify the minimum standards for a unit to be deemed to be fully within a principal dwelling on lots of less than two acres. **(Second Tier)**

 - B. Accessory Outdoor Storage and Display - Revise Sections 4-505, 4-605, 4-705, 4-805 and 10-102 to increase the amount of outdoor storage and display that would be exempt from site plan requirement from 250 square feet to 500 square feet to align with changes made to Article 17, Site Plans, with ZO-18-471. **(First Tier)**

 - C. Child Care Centers – delete references to Chapter 30 and Title 63.2, Chapter 17 of the Code of Virginia in the additional standards, as there is no enforcement authority under the Zoning Ordinance. **(Second Tier)**

 - D. Commonly Accepted Pets – review the County Code provisions related to types of animals that can be kept as a pet in a dwelling and determine if changes to the Zoning Ordinance are required. **(Second Tier)**

E. Definitions

- (1) Gross Floor Area – correct an inadvertent deletion of a portion of the definition of gross floor area that occurred with the minor modifications amendment. **(First Tier)**
- (2) Lot Line – consider revising the definition so that measurements for curved lot lines are no longer based on the chord of the arc. **(First Tier)**
- (3) Lot Width – consider allowing lot width to be measured along any street on a through lot and clarify that lot width is measured from the local street on a reverse frontage lot. **(First Tier)**

F. Keeping of Animals – delete the provision regarding animals kept on a property prior to October 11, 1977, as the provision is no longer valid and consider prohibiting the keeping of roosters as accessory to a dwelling unit. **(First Tier)**

G. Nonconformities – clarify the time limit in which a discontinued use that had been permitted by right under previous provisions, but which requires special exception or special permit approval under the current provisions, may be re-established. **(Second Tier)**

H. Permitted Extensions – delete “oriel” from the list of permitted extensions into minimum required yards, as the term is outdated. **(First Tier)**

I. Planning Commission Membership – change reference to update terminology **(First Tier)**

J. Private/Fraternal Clubs – clarify parking requirement to reflect the number of people in attendance is based on maximum number attending at any one time rather than the total number of members of the club. **(First Tier)**

K. Small Cell Facility Permits in Historic Overlay Districts – review timing of Architectural Review Board’s review and recommendation for small cell facility permits. **(First Tier)**

L. Temporary Mobile and Land Based Telecommunications Testing Facilities – delete this use, as newer technology has rendered these facilities obsolete. **(First Tier)**

M. Temporary Special Permits (TSP) – delete the \$100 cash escrow requirement for certain TSP uses. **(First Tier)**

N. Yard Sales - clarify the type of household items that are permitted to be sold at yard sales associated with a dwelling. **(First Tier)**

5. **Land Development Services Initiatives** - as part of the Department of Land Development Services (LDS) annual work plan, including an update of the Public Facilities Manual (PFM), changes to the Zoning Ordinance may be required in the following areas [**2018 Priority 1 #5**]:
 - A. Delegation of minor site plan authority from the County Executive to the Director
 - B. PFM Flex Project –miscellaneous changes may be required to the Zoning Ordinance
 - C. Regulations impacting the delineation of buildable areas
 - D. Changes to Residential/Non-Residential Use Permits, in favor of issuance of a Certificate of Occupancy
6. **Laurel Hill Historic Overlay District** – Establish a Laurel Hill Historic Overlay District as anticipated by the 2001 Memorandum of Agreement (MOA) between Fairfax County and the federal government for the former Lorton Correctional Complex. (**Second Tier**)
7. **Noise Ordinance** – Pursuant to the Noise Ordinance Status Update Memorandum dated September 18, 2017, consider exempting daytime animal noise; allow the Police to impose civil penalties for Noise Ordinance violations; and allow for the revocation of noise waivers for failure to comply with noise waiver conditions. (**First Tier**)
8. **Older Adult Accommodations and Services and Other Congregate Care Uses**
 - A. Continuing Care Communities
 - (1) Consider development of a new zoning district to accommodate a spectrum of institutional uses, accommodations, and associated convenience/service uses in a single, integrated development. (**First Tier**)
 - (2) Consider establishment of a new continuing care use that allows for the co-location of independent living facilities and medical care facilities on the same property. Also, consider updates to the existing provisions for Independent Living Facility, Assisted Living Facility, Congregate Living, Medical Care Facility and other associated uses to clarify definitions, assess continued appropriateness of use limitations, and to enhance distinctions between the uses. (**First Tier**)
 - B. Adult Day Health Care– Consider adding adult day care as a new use subject to use limitation and determine if the use should be permitted by-right or subject to a special exception. Staff will consider this item in the context of the Continuing Care Communities amendment. (**First Tier**)
 - C. Age-Restricted and Innovative Housing Types, Other changes identified by the 50+ Plan initiatives – consider changes that include development provisions to foster development of new/innovative housing types designed to serve older adults, first-time homebuyers, and lower income populations; review existing parking regulations; review minimum acreage requirements for certain uses ; review composition/timing/

scope of participation by the Health Care Advisory Board; and consider opportunities for expansion of the use of accessory dwelling units for older adults. **(Second Tier)**

9. Outdoor Lighting – Consider revisions to the outdoor lighting standards pertaining to security lighting, outdoor sports facilities and other changes to improve the overall effectiveness of such provisions; consider requiring Architectural Review Board review of sports illumination plans and photometric plans that are submitted in Historic Overlay Districts when such plans do not require site plan, special permit, special exception, rezoning or development plan approval; and review single family residential lighting exemptions to consider additional requirements for minimum spacing of lighting fixtures and possible limitations on cumulative allowable initial light outputs. **(First Tier)**

10. Planned Residential Community (PRC) District (Reston) Density Provisions - Consider possible revisions to the maximum allowable densities and/or persons per acre in the PRC District (Reston) to facilitate the implementation of the Reston Master Plan. **(First Tier)**

11. Rear Yard Coverage (Pending)

- A. Clarify how the 30% coverage limitation within the minimum required rear yard is calculated.
- B. Consider increasing the percentage of coverage permitted and/or eliminating the requirement for certain sized lots.
- C. Consider allowing modifications of the maximum lot coverage requirement in a rear yard to be approved by the BZA as a special permit.
- D. Modify size of children’s play structures.

12. Short-Term Lodging

- A. Homeowner/Renter Operated in Dwellings– amendment was authorized for public hearings on March 20, 2018, with the Board of Supervisors’ public hearing currently scheduled for June 19, 2018. This item includes Item 12 from the 2017 Priority 2 ZOAWP regarding the establishment of a definition of transient occupancy. **(Pending)**
- B. Commercially Operated – consider changes that would permit new multiple family dwelling unit developments to provide units on a short-term basis for a limited percentage of the units and over a limited period of time during lease-up period; consider allowing multiple family buildings to offer a small percentage of the total unit count as short term rentals that are commercially managed. **(Second Tier)**

13. **2018 State Code Changes** – this item is an annual Work Program entry that will address any changes to the Code of Virginia that necessitate a change to the Zoning Ordinance.
 - A. Make the necessary revisions to implement HB 1258, which establishes parameters for zoning approvals for certain wireless support structures and for the co-location of a small cell facility with an existing wireless facility. **(First Tier)**
 - B. Consider increasing civil penalties associated with zoning violations to align with the State Code. **(Second Tier)**
 - C. Other changes, as necessary. **(Second Tier)**