



FAIRFAX COUNTY

STAFF REPORT

V I R G I N I A

PROPOSED ZONING ORDINANCE AMENDMENT

Articles 6, 16 and 18 – PRC District Regulations

PUBLIC HEARING DATES

Planning Commission

February 22, 2007 at 8:15 p.m.

Board of Supervisors

March 26, 2007 at 4:30 p.m.

**PREPARED BY
ZONING ADMINISTRATION DIVISION
DEPARTMENT OF PLANNING AND ZONING
703-324-1314**

January 8, 2007

ESP/LBJ



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STAFF COMMENT

INTRODUCTION

The proposed amendment is a result of staff analysis and a public participation process which evaluated the Zoning Ordinance provisions for the Planned Residential Community (PRC) District. The process was initiated to ensure that the provisions of the PRC District will provide appropriate guidance for future development and redevelopment in a way that will achieve the objectives, purpose, and intent of the PRC District, and maintain the quality and integrity of the County's three PRC District communities – Reston, Burke Centre, and Cardinal Forest. The proposed amendment clarifies that only that land area included in the initial establishment of a PRC District is required to be under single ownership or control and modifies the maximum density provisions for the PRC District by revising the "population factors" utilized in computing population density within the PRC District to reflect a change in average household sizes for different dwelling unit types based on the most recent U.S. Census Bureau (Census) data and Fairfax County estimates. The proposed amendment also changes the process for approval of a PRC plan from an administrative approval by the Department of Public Works and Environmental Services (DPWES) to a legislative action by the Board of Supervisors (Board) and amends the application fee for a PRC plan to be more consistent with other similar zoning applications.

Recently, the nature and pace of development in Reston has raised the question of how well the PRC provisions in the Zoning Ordinance (Ordinance) address the existing situation in Reston, as well as in Burke Centre and Cardinal Forest. There is very little, if any, undeveloped land remaining within any of the PRC communities. However, there is increased interest, in particular in Reston, in redeveloping properties to higher residential densities than developed originally and in redeveloping existing commercial and institutional uses to residential use. As a general rule, the Ordinance requires approval by the Board in order to change the use of property or to increase the number of dwelling units on it. In those instances, the Planning Commission and the Board have the ability to review and approve or deny requests for increased residential density. However, the three PRC communities are governed by unique regulations originally adopted over 40 years ago which provide for a single developer/landowner to manage the growth of the individual PRC community within, among other Ordinance constraints, an overall density of 13 persons per acre. In each of the three PRC communities, there is no longer a single developer and there are multiple land owners who may propose revised development options as market conditions change.

In an effort to assure that any additional residential development or redevelopment in these communities takes place in an appropriate manner and with appropriate regulation, review, and County input, a series of meetings were held in the three PRC communities, in conjunction with the offices of Supervisors Catherine M. Hudgins, Sharon Bulova and Elaine McConnell, to discuss the PRC District regulations and staff proposals for improving the effectiveness of the regulations, and to elicit public comment.

BACKGROUND AND CURRENT REGULATIONS

In 1962, the Board adopted an amendment to the Ordinance to create a Residential Planned Community (RPC) District to guide the development of the then new planned community of Reston. The district is now known as the Planned Residential Community (PRC) District. Subsequent to the establishment of the Reston PRC, two other communities, Cardinal Forest and Burke Centre, were developed under the PRC District regulations. The primary purpose and intent of this new zoning district was and remains to provide the flexibility and incentive for a single developer to create a large planned community that demonstrates excellence in physical, social, and economic planning and provides an integration of a variety of uses throughout the District. PRC Districts can be established only in areas designated for a planned residential community in the adopted Comprehensive Plan. As such, before the establishment of a PRC District, an amendment to the Comprehensive Plan is required to provide for consideration of such a community. Historically, these amendments incorporated into the County's overall Comprehensive Plan specific master plans for each of the three PRC communities; these master plans include recommendations on land uses, transportation improvements and community/public facilities. Once such an amendment to the Comprehensive Plan was approved by the Board, rezoning applications and their associated development plans that were in conformance with those Plan recommendations were approved by the Board pursuant to the provisions of the PRC District.

It is not likely that additional PRC Districts will be established in the future due to the unlikelihood of assembling the minimum acreage (750 acres) required to establish a PRC District. In addition, over the years, the Ordinance has been amended to make available several other zoning districts (e.g., the PDH, PDC and PRM Districts) that can accommodate smaller mixed use developments, which obviates the need to use the PRC District for those communities.

The PRC Ordinance - Key Provisions:

Over the years, the PRC District provisions of the Ordinance have been amended in an effort to refine, clarify, and improve the District, but the purpose and intent of the PRC District has remained largely unchanged. Sect. 6-301 of the Zoning Ordinance provides specific objectives to be achieved in a PRC District. Those objectives are set forth below:

1. A variety of housing types, employment opportunities and commercial services to achieve a balanced community for families of all ages, sizes and levels of income.
2. An orderly and creative arrangement of all land uses with respect to each other and to the entire community.
3. A planned and integrated comprehensive transportation system providing for a separation of pedestrian and vehicular traffic, to include facilities such as mass transportation, roadways, bicycle or equestrian paths and pedestrian walkways.
4. The provision of cultural, educational, medical, and recreational facilities for all segments of the community.

5. The location of structures to take maximum advantage of the natural and manmade environment.
6. The provision of adequate and well-designed open space for the use of all residents.
7. The staging of development in a manner which can be accommodated by the timely provision of public utilities, facilities and services.

In addition to these objectives, three key Ordinance provisions distinguish the PRC District from other more traditional zoning districts; when they were established, these provisions were intended to work in concert with one another to create a framework for implementing development within a PRC. The provisions are: (1) the use of population density, as well as dwelling unit type and dwelling unit density, to govern the overall size and character of the community; (2) the requirement that the district be established under a single ownership or control; and (3) the flexibility afforded to the single "master" developer to transfer any unused density from one development area to another within the PRC, provided there was adherence to the various population and dwelling unit factors set forth in the PRC District. Principal among these factors is an overall maximum density of 13 persons per acre for each PRC community, which is calculated by applying the population factors cited in the Ordinance to the types of housing units actually constructed in the particular PRC community. Built and available density under the 13 persons per acre cap, among other factors, is tracked through the site plan process. The Ordinance assigns a "person per dwelling unit" factor for each type of dwelling unit as follows: 3.5 persons per single family detached dwelling; 3.0 persons per single family attached dwelling; 2.5 persons per garden apartment multiple family dwelling (4 stories or less with or without an elevator); and 2.0 persons per elevator apartment multiple family dwelling (5 stories or greater). The number of persons per each dwelling type are then added together and divided by the total number of acres within the PRC. For an explanation of how maximum density is calculated, refer to Attachment A.

Zoning Approvals:

The master plan developed for each PRC community guides growth and development related to commercial and residential land uses, transportation improvements and community/public facilities, such as schools, needed to support the PRC community. As stated previously, the master plan is implemented through the rezoning process, which includes the filing of a rezoning application accompanied by a development plan, consideration of the proposal by and recommendation on it from the Planning Commission, and approval by the Board. The development plan that accompanied the rezoning sets the manner in which development will occur within any particular area of the community. Prior to the mid-1970s, there were no proffers associated with zoning approvals, although, under the provisions of the Ordinance, the development plan was and remains an integral part of the zoning approval in a PRC District; since that time, virtually all rezonings have been approved with proffers.

The vast majority of the Burke Centre PRC was rezoned at one time. In Burke Centre, the Board approved a series of relatively detailed development plans that depicted

residential lot configurations for single family detached dwellings and building layouts for townhouses and multifamily units. Cardinal Forest was also rezoned to the PRC District at one time and the associated development plans specifically set forth the dwelling unit type and density of residential development to occur in the various portions of the community. Reston was not rezoned all at one time; rather, a series of rezonings and development plan amendments have been approved over the past 40 years. Within the Reston PRC, most of the development plans approved prior to the 1980s depicted large, general land areas proposed for the various types of residential development (high, medium, and/or low), as well as for other uses, such as community uses, commercial uses, and Village Centers. Early development plans for Reston lacked specificity; rarely did these approved development plans depict specific layouts for how the sites would develop, although some of these development plans indicated the type of the dwelling unit proposed for residential development. In later years, the development plans were more commonly approved for a specific number and type of dwelling units, and even layouts, rather than just a type of dwelling unit or residential density.

The development process for all development within a PRC District, both residential and commercial, subsequent to development plan approval, involves the following steps: There is a requirement for the submission and review of a PRC plan (formerly referred to as a preliminary site plan).

The PRC plan is subject to review and administrative action by the Director of the Department of Public Works and Environmental Services (DPWES), whose decision may be appealed to the Planning Commission. In 1994, the Ordinance was amended to retitle the preliminary site plan to the PRC plan and to require a greater level of specificity for items such as traffic circulation systems, delineation of environmentally sensitive areas, and location of storm water management facilities. The PRC (preliminary site) plan always has required, among other items, the general location and arrangement of all existing and proposed buildings and uses, the approximate number of dwelling units and/or floor area ratio, the approximate percent of open space and number of parking spaces and the overall density totals and density type based on the computation factors set forth in Section 6-308 of the Ordinance. It is noted that, with the adoption of the 1994 amendment, single family detached dwellings were exempt from the PRC plan requirement, provided the general street layout and lot layout are shown on the approved development plan; also exempt were certain sized additions for both residential and commercial uses. The standards for review of a PRC plan include conformance with the approved development plan, the design standards set forth in Section 16-102, the applicable objectives and regulations of the PRC District as well as the submission requirements for a PRC plan as set forth in Section 16-303 of the Ordinance.

Subsequent to PRC plan approval, either subdivision plat or site plan approval is required, which provides greater detail and additional information from that shown on the PRC Plan; issuance of building permits and/or Residential and Non-Residential Use Permits follows site or subdivision plan approval. All such approvals shall be in conformance with the PRC plan and, if applicable, the above noted design standards and objectives and the provisions of the Subdivision Ordinance and/or site plan component of the Zoning Ordinance.

Based upon the fact that the approved development plans in Burke Centre and Cardinal Forest depicted specific densities, as described above, those zoning approvals cannot be modified absent Board approval. However, in many of the areas of Reston the development plans are not specific with respect to an exact number of dwelling units and layout, among other things. In the early days of its development, staff believes that, as properties were developed in Reston, the single developer was permitted to move unused density from a developed site to another site in the process of managing the development of the community. If the single developer did not build to the maximum high, medium and/or low residential density shown on the approved development plan for one particular land area, the unused density could be (and often was) carried forward by that entity through subsequent zoning actions to another land area within the Reston PRC. For example, if a land area was approved for high density residential on a development plan but was actually constructed to medium density, the approved but unused density, that is, the difference between high density and the actual density constructed was available to be applied elsewhere within the PRC. Unfortunately, this flexibility afforded to the single developer can cause complications when, for example, approved but unused density was "transferred" to other land and no legislative action was taken that amended the approved development plan for the land area from which the unused density was taken.

Status - Existing Residential Development Potential:

The Department of Planning and Zoning (DPZ) has researched County records for each of the three PRC communities to document the amount of existing development by dwelling unit type, and has used that information to calculate the existing density in the three PRCs based upon the population factors contained in the Zoning Ordinance. The results (provided in Attachment B) indicate that Reston and Burke Centre are relatively close to the 13 persons per acre density cap, while Cardinal Forest is developed well below this population density cap. Using the method for calculating density as set forth in Sect. 6-308 of the Ordinance, staff has determined that Reston's current density, based on the number of existing dwelling units and dwelling units under construction, is 11.68 persons per acre. Based on the approximately 6,200 acres currently zoned PRC in Reston, sufficient density remains to accommodate an additional 8,212 persons. This available density translates into a development potential of up to 4,106 units, assuming that they are all elevator apartments (5 stories or more) using the population factors in the current Ordinance. As such, no site or subdivision plan can be approved that exceeds that limitation; however, there is the potential for development to occur up to that limit without being subject to a legislative review process. While Burke Centre's existing density of 11.86 persons per acre ostensibly would leave enough density for an additional 1,734 persons as calculated on the 1,516 acres zoned PRC and, while Cardinal Forest's current density (9.64 persons per acre) would leave an unused density of 2,778 persons based on the 827 acres zoned PRC, due to the specificity of the approved zonings for these two communities, redevelopment cannot occur at a higher density administratively in these communities as a matter of right. Rather, filing of a zoning action and review and recommendation on it by the Planning Commission and approval or denial by the Board would be required to amend the approved development plans.

Changes in Circumstances:

There has been a significant change in circumstances over the years in the three PRC communities. Over time, the single developer conveyed ownership of the land within the individual PRC community to others. Thus, none of the PRC communities remain under single ownership and/or control, despite the fact that, under the Ordinance, the concept of one ownership or control was critical in managing residential density in a PRC District. Based upon research and an historical review of the PRC District provisions and zoning approvals, staff believes that the PRC provisions in the Ordinance either did not anticipate redevelopment of properties within the PRC Districts, or intended that once development occurred on a property, the unused development potential of that particular property was to be retained by the single developer to be used elsewhere. However, the PRC District provisions provide little guidance on how to manage development when there are multiple property owners, many with approved zonings, seeking to redevelop their respective properties under the 13 persons per acre cap limitation applicable to the entire PRC District, and little, if any, undeveloped property exists in the three PRCs to support future residential growth. With regard to Reston in particular, some existing development is aging and questions regarding redevelopment have increased in recent years. A recent community initiative in Reston that is focused on the need to revitalize and redevelop the Lake Anne Village Center and nearby properties is an example of the redevelopment trend that is emerging. Another issue is that additional high density residential development could be appropriate in Reston's Town Center, along the Dulles Corridor, and in areas associated with future transit stations. Currently, there are several pending zoning applications proposing such additional residential development and there are others preparing to file such applications.

Based on the foregoing, staff is proposing amendments to the Zoning Ordinance that primarily affect the situation in Reston since, due to the specific development plans that were approved for Cardinal Forest and Burke Centre, future residential development or redevelopment in those areas will likely be managed by the Board through legislative action.

PROPOSED REGULATIONS

The proposed amendment clarifies the requirement relating to single ownership or control. It is believed that the intent of this provision, which is coupled with the minimum area requirement of 750 acres, was to ensure that the establishment of the district was of a size and had the controlling force to ensure the community's orderly, integrated and comprehensive development. It is unlikely that it was the intent of this provision that the district always remain under single ownership or a controlling entity. The reality within the three PRCs is that there is no longer a single owner but in fact multiple owners. Therefore, in recognition that once the district is established the continuance of a single owner is not viable, staff is recommending that the Ordinance be clarified so that the single owner and/or controlling entity is only required at the time of the initial establishment of the PRC District.

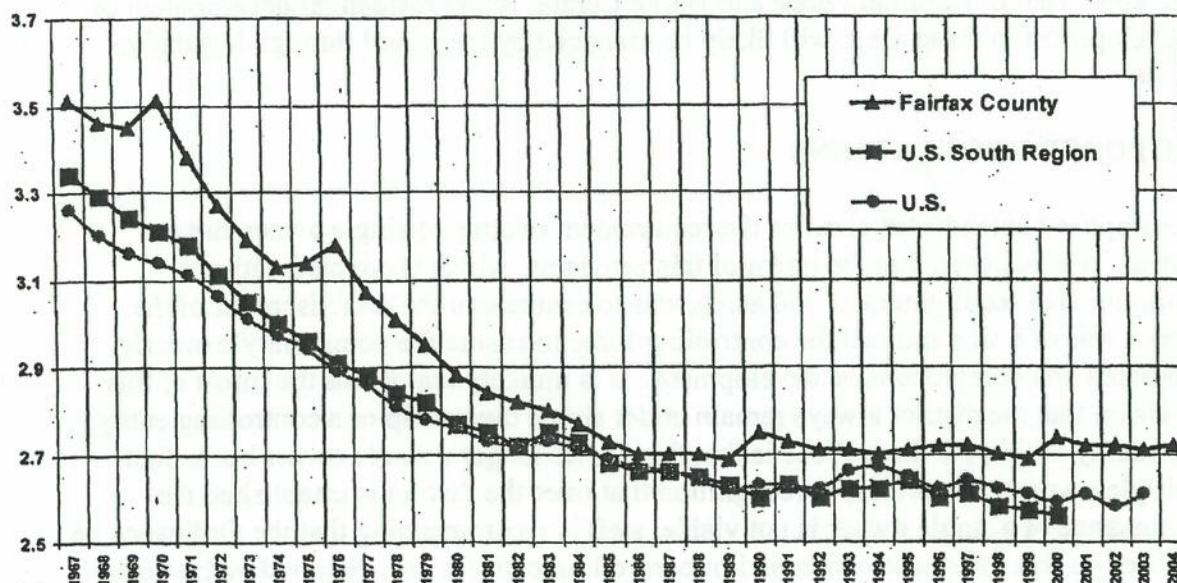
The proposed amendment also modifies the maximum density provisions for the PRC District by revising the "population factors" utilized in computing population density

within the PRC District to reflect average household sizes for different dwelling unit types based on the most recent Census data and County estimates, changes the process for approval of a PRC plan from an administrative approval by DPWES to a legislative action, and amends the application fee accordingly.

Population Factors

With regard to the population factors it is proposed that the persons per dwelling unit factors contained in Par. 2 of Sect. 6-308 of the Ordinance for the various dwelling unit types be revised. The existing factors were last reviewed in 1977 and last changed in 1975. They do not reflect a major decline in average household size that has occurred nationally as well as in Fairfax County since the 1970s. The 1981 Standard Reports for Fairfax County noted the "dramatic and unexpected decline that occurred between 1970 and 1980 in the average number of people living in each household" as the reason for adjusting long range population forecasts for the County and a 1988 publication of the Metropolitan Washington Council of Governments noted that one of the most significant factors in the forecasts for the Washington region was the continued drop in average household size. In 1975, the overall average household size was 3.14 persons per household while current estimates place the average household size in the County at 2.72 persons per household. The graph set forth in Figure 3.1 (below), taken from the 2004 Demographic Reports prepared by the Fairfax County Department of Systems Management for Human Services, shows the decline in the average number of persons per household in Fairfax County, the United States and the Census Bureau's South Region of the United States from 1967 through 2004.

FIGURE 3.1
Average Persons per Household
Fairfax County, U.S. South Region, and the U.S. 1967 through 2004



Sources: U.S. Bureau of the Census; Fairfax County Department of Systems Management for Human Services, 2004.

This decline in the overall Fairfax County average household size reflects a decline, over the years, in the average household size associated with each of the various dwelling unit types. The table below compares the population factors contained in Par. 2 of Sect. 6-308 of the Ordinance which date from the early 1970s with previously published data for selected years which incorporated data from the 1980, 1990, and 2000 Census.

AVERAGE HOUSEHOLD SIZE

Year	Single Family Detached	Townhouse	Multifamily	Overall
ZO Factors (Based on Pre-1975 data)	3.5	3.0	2.5 Garden Apt. 2.0 Elevator	3.14*
1984	3.20	2.51	2.02	2.77
1991	3.10	2.61	2.05	2.73
2001	3.05	2.58	2.16	2.71

* From 1975 Fairfax County Demographic Reports

Staff recommends that the population factors contained in Par. 2 of Sect. 6-308 of the Ordinance be updated to reflect the decline in average household size that has occurred since the 1970s. We propose that the factors in the Ordinance be changed to incorporate the average household sizes for single family detached, townhouse and multifamily dwelling units as published in the 2004 Demographic Reports. Based on this more recent data, staff is recommending that the persons per dwelling unit factor for single family detached dwellings be changed from 3.5 to 3.0 persons, for single family attached dwellings (townhouses) the factor be changed from 3.0 to 2.7 persons, and that a multifamily factor of 2.1 persons per dwelling unit replace the 2.5 persons per garden apartment unit (multifamily with four stories or less, with or without an elevator) and the 2.0 persons per elevator apartment unit (five stories or greater with an elevator) factors currently contained in the Zoning Ordinance. Given that the current data does not break out multifamily dwellings into the "garden" and "elevator" apartment categories currently set forth in the Ordinance, staff proposes combining and renaming these categories as multiple family units.

Modifying the person per dwelling unit factors would result in a calculated population for Reston that is closer to its original vision and its current average household size based on the 2000 Census. Updated population factors would result in a decrease in the calculated population for Reston, under the PRC provisions, from 72,700 persons to 64,277 persons.

According to the 2000 Census for the Reston area, the population is approximately 56,000. However, the land area over which the Census counted that population is greater than the PRC zoned land area for Reston, and it is only the PRC zoned land that is subject to the PRC District provisions. Staff analysis of the Census data indicates that the population over the Reston zoned PRC area is approximately 50,000. In Burke Centre, modifying the persons per dwelling unit factors will result in a decrease in the population as calculated under the PRC provisions from 17,977 to 15,681 persons and in Cardinal Forest from 7,982 to 6,957 persons. These calculations are set forth in Attachment B.

Updating the factors would reduce the persons per acre residential density for Reston from 11.68 persons per acre to 10.33 persons per acre, which would allow for an additional 3,815 multiple family units. When combined with the approximately 4,106 elevator units remaining under the cap today, updating the factors would result in a total of 7,921 multiple family units that could be built before the 13 persons per acre cap is reached. In Burke Centre, the population density would be reduced from 11.86 to 10.34 persons per acre, which would allow for an additional 1,919 multiple family units to be built before the 13 persons per acre cap is reached. Similarly, in Cardinal Forest, the population density would be reduced from 9.64 to 8.40 persons per acre, which would allow for an additional 1,811 multiple family units to be built. A more detailed analysis of the existing and proposed residential development potential for all three PRCs is set forth in Attachment B.

The proposed Zoning Ordinance amendment also revises Par. 2 of Sect. 6-203 by deleting the provision that the population factors be reviewed at least every three years. Given that the factors can be reviewed and if necessary revised through an Ordinance amendment at any time upon the Board's direction, it is not necessary to have a provision mandating such review in the Ordinance. Also proposed for deletion is the provision that states that within three years following the commencement of residential construction within a PRC community the factors be reviewed and become fixed for that community. This provision was added in 1977 and was intended to give a developer some assurance that the factors would remain stable for the duration that a particular development was under construction. It was never intended to freeze or forever fix the factors for the entire district. However, if literally interpreted, this provision would preclude any revisions to the population factors within a PRC District more than three years after the commencement of residential development. Therefore, staff recommends that the provision be deleted.

The proposed changes to the population factors will have no impact on non-residential development within the three PRCs as non-residential development intensities are controlled by the approved development plan and any proffered conditions associated with such approval.

The PRC Plan Process

Under the current PRC District provisions, once a rezoning is approved a PRC plan is required, except for single family detached dwellings where the approved development plan shows a specific layout for the lots, additions to uses other than single family detached dwellings which are limited to a maximum of 2,000 square feet and a few other select circumstances. The PRC plan is submitted to, and approved administratively by, DPWES for all development within a PRC District. The standards for review by DPWES are the Design Standards contained in Sect. 16-102 of the Zoning Ordinance and the "applicable objectives and regulations of the PRC District" (Sect. 6-301), as well as the requirement that the PRC plan be in substantial conformance with the approved development plan. Once the PRC plan is approved, a site or subdivision plan, as applicable, can be submitted to and acted upon administratively by DPWES.

Given that under certain approved zonings, redevelopment could occur in unanticipated locations, such as in stable residential neighborhoods and without a public forum, particularly in Reston where a significant number of older neighborhoods were developed according to blob or very general approved development plans, staff is recommending a change to the way PRC plans are processed. Rather than an administrative approval by DPWES, staff is recommending that PRC plans be processed similar to the way other types of zoning applications are processed, which require public hearings before both the Planning Commission and the Board. The standards of review are proposed to remain the same as set forth above. However, the PRC plan would be submitted to DPZ for review and staff recommendation. The PRC plan would then be reviewed by the Planning Commission through the public hearing process and make its recommendations to the Board for the Board's consideration and action. Once the PRC plan is approved, a site or subdivision plan, as applicable, can be submitted to and acted upon administratively by DPWES, as is currently the practice. The monitoring of the 13 persons per acre cap would continue to occur at site or subdivision plan review. In addition, as is currently the case, a PRC plan could be considered concurrently with a rezoning, proffered condition amendment (PCA) and/or development plan amendment or a special exception application, if such is also needed for the property. Staff is also recommending that the current time limitation on the approval of a PRC plan be deleted. Currently, a PRC plan is valid for three years from the date of approval. If a site plan is filed and approved for the area subject to the PRC plan during the three year period, the PRC plan remains valid for the life of the site plan. By deleting this provision, the PRC plan will not expire, but will become part of the zoning regulations applicable to the property, unless subsequently changed by an amendment, which is consistent with the treatment of other types of development plans approved in a legislative fashion.

The proposed amendment also includes a change to the fee associated with PRC plan submission and review. Currently, the fee for a PRC plan is \$4275 for each plan submission. The proposed change is to revise the fee to a base fee of \$4410 plus \$140 per acre and if submitted concurrent with a rezoning the fee for the PRC plan would be just the additional \$140/acre. The proposed fee is consistent with the fees associated with other, similar zoning submissions and applications. It is noted that while staff is proposing an increase in the base fee and adding an acreage component, this is a one time fee, which may encompass multiple plan submissions. Under the current administrative

approval process, whether a PRC plan is submitted concurrent with a rezoning or as a stand alone plan, the full fee is required, and if the initial PRC plan submission is disapproved and a second submission is required, a subsequent full submission fee is also charged. In addition, with the proposed change in process, the County will be executing the appropriate public notice requirements that are the responsibility of the applicant under existing provisions. As such, the proposed amendment to the fees is not anticipated to increase the costs associated with the processing of a PRC plan.

Staff further recommends that the amendment become effective at 12:01 a.m. on the day following adoption, with the grandfather provision that PRC plans approved by DPWES prior to the effective date of this Zoning Ordinance amendment are deemed to be valid, approved plans; however, the three year expiration date, as is currently the requirement, would remain in effect for such plans. PRC plans pending review with DPWES that have not been approved prior to the effective date of the amendment will be subject to the PRC Plan approval process set forth in the proposed amendment. Additionally, amendments to an DPWES approved PRC plan shall also be subject to the approval process set forth in this amendment.

CONCLUSION

Staff believes that the recommended changes will improve the effectiveness of the PRC District regulations in managing development and redevelopment in PRC Districts. Providing for a PRC plan approval process that involves legislative action and a public hearing process provides opportunities for evaluation of where or how it may be most appropriate for additional residential density to occur within a PRC District. Amending the population factors will update the factors to better reflect average household size based on recent demographic statistics. In the future, there may be consideration of additional measures to evaluate and/or address regulations for the PRC Districts, including whether the 13 persons per acre cap should be retained or revised, and, with regard to Reston, whether the Comprehensive Plan text and Reston Master Plan maps should be amended and whether it is appropriate to undertake any additional planning studies beyond the on-going study of the Lake Anne Village Center area.

Attachments:

- A. Calculating Residential Density in the PRC
- B. Existing/Proposed Residential Development Potential for Reston, Burke Centre and Cardinal Forest

**DRAFT – November 29, 2006
Proposed Zoning Ordinance Amendment**

This proposed Zoning Ordinance amendment is based on the Zoning Ordinance in effect as of January 8, 2007 and there may be other proposed amendments which may affect some of the numbering, order or text arrangement of the paragraphs or sections set forth in this amendment. In such event, any necessary renumbering or editorial revisions caused by the adoption of any Zoning Ordinance amendments will be administratively incorporated by the Clerk in the printed version of this amendment following Board adoption.

Amend Article 6, PRC Planned Residential Community District, Part 3, PRC Planned Residential Community District, as follows:

- Amend Sect. 6-301, Purpose and Intent, by revising the lead-in paragraph to read as follows:

The PRC District is established to permit the development of planned communities on a minimum of 750 contiguous acres of land, which at the time of the initial rezoning to establish a PRC District is owned and/or under one ownership or controlled by a single individual or entity. Such planned communities shall be permitted only in accordance with a comprehensive plan, which plan, when approved, shall constitute a part of the adopted comprehensive plan of the County and shall be subject to review and revision from time to time.

The PRC District regulations are designed to permit a greater amount of flexibility to a developer of a planned community by removing many of the restrictions of conventional zoning. This flexibility is intended to provide an opportunity and incentive to the developer to achieve excellence in physical, social and economic planning. To be granted this zoning district, the developer must demonstrate the achievement of the following specific objectives throughout all of his planning, design and development.

- Amend Sect. 6-308, Maximum Density, by revising Par. 2 to read as follows:

1. The overall density for a PRC District shall not exceed thirteen (13) persons per acre of gross residential and associated commercial areas.
2. In computing density, a factor of ~~3.5~~ 3.0 persons shall be used per single family detached dwelling; ~~3.0~~ 2.7 persons per single family attached dwelling; ~~2.5~~ persons per garden apartment multiple family dwelling; and ~~2.0~~ 2.1 persons per elevator apartment multiple family dwelling. ~~Such factors shall be reviewed at least once every three (3) years. Within three (3) years following the commencement of residential construction within a PRC community, such factors shall be reviewed and, for that community, shall become fixed for the purpose of calculating the permitted number of dwelling units.~~

3. Residential densities in a PRC District shall be designated low, medium and high on the approved development plan.

- A. Low: The overall density within the entire area of a PRC District that is designated for low density shall not exceed 3.8 persons per acre of gross residential area. Further, the density in any one low density area shall not exceed five (5) dwelling units per acre.
- B. Medium: The overall density within the entire area of a PRC District that is designated for medium density shall not exceed 14 persons per acre of gross residential area. Further, the density in any one medium density area shall not exceed twenty (20) dwelling units per acre.
- C. High: The overall density within the entire area of a PRC District that is designated for high density shall not exceed 60 persons per acre of gross residential area. Further, the density in any one high density area shall not exceed fifty (50) dwelling units per acre.

For the purposes of this district, density area shall mean a development unit within an area designated on the approved development plan for low, medium or high density.

4. In computing average density on any development plan, subsequent PRC plan or final plat of a part of a PRC District, any excess in land area over that required to support an average density of thirteen (13) persons per acre in any final plat previously recorded may be included. As each plan and subsequent final plat is submitted, the overall density of all areas shown on recorded final plats within the PRC District shall be recomputed so that the average density within the recorded plats of sections of the PRC District shall never at any time in the history of the development exceed a density of thirteen (13) persons.
5. The provisions of Paragraphs 1 and 4 above shall not apply to affordable and market rate dwelling units which comprise the increased density pursuant to Part 8 of Article 2.

Amend Article 16, Development Plans, Part 2, Procedures For Review and Approval of A PRC District, as follows:

Amend Sect. 16-201, Comprehensive Plan Approval, by revising Paragraphs 1 and 10 to read as follows:

1. A PRC District may only be established in an area designated on the adopted comprehensive plan for a planned residential community. Therefore, before the initial establishment of a PRC District, the applicant shall propose an amendment to the adopted comprehensive plan to permit a planned residential community, which shall contain not less than 750 contiguous acres under one ownership or owned and/or controlled by a single individual or entity.

10. Additional land may be added to an adopted planned residential community if it represents a logical extension of the planned residential community under the adopted comprehensive plan and is adjacent thereto. Any addition of land to a planned residential community shown on the adopted comprehensive plan shall be subject to the same requirements and procedures as the original amendment except for the minimum requirement of 750 acres owned and/or controlled by a single individual or entity.

Amend Sect. 16-202, Rezoning to a PRC District, by revising Paragraphs 1 and 10 to read as follows

1. Following Board approval of the comprehensive plan for a planned residential community, the Board may approve an application for rezoning to a PRC District subject to the provisions of this Part and Part 2 of Article 18. The initial rezoning to establish a PRC District shall contain a minimum land area of 750 contiguous acres under one ownership or owned and/or controlled by a single individual or entity.
10. Additional land may be added to a PRC District by a rezoning application if such land is included within the area of the adopted comprehensive plan, if it represents a logical extension of the area zoned PRC, and if it is adjacent thereto. Any addition of land to the PRC District shall be subject to the same requirements and procedures as the original application except for the minimum requirement of 750 acres owned and/or controlled by a single individual or entity.

Amend Sect. 16-203, PRC Plan Approval, to read as follows:

1. Subsequent to the approval of a rezoning application, a PRC plan shall be required for those uses as set forth in Par. 2 below; ~~provided, however, that upon authorization by the Board, A PRC plan may be filed with the Director concurrently with the filing of a rezoning application.~~ The Board may approve a PRC plan subject to the provisions of this Part and Sect. 18-110. Such PRC plan shall not be approved by the Board Director until the rezoning application and development plan have been approved by the Board. However, a PRC plan may be filed with and including in the processing of the rezoning application and development plan.

All PRC plans shall be in accordance with the approved rezoning and development plan, any conditions or modifications that may have been approved by the Board, the design standards of Sect. 102 above, the applicable objectives and regulations of the PRC District and the provisions of Sect. 303 below.

2. A PRC plan shall be required for all uses, except the following:
 - A. Single family detached dwellings, provided the general street and lot layout are shown on the approved development plan.

- B. Additions to existing single family attached or detached dwellings or accessory structures related to such existing single family dwellings.
- C. Additions to existing buildings or uses other than single family dwellings, when such additions do not exceed 2000 square feet or ten (10) percent of the gross floor area of the existing building or use, whichever is less.
- D. Additions or changes to non-structural site elements such as transitional screening and parking and loading provided the area of such addition or change does not exceed ten (10) percent of the existing area occupied by such site element. Parking redesignation plans and parking tabulation revisions shall also be exempt from the requirement for a PRC plan regardless of the area of such change.
- E. Minor accessory structures and uses in open space areas such as benches, gazebos, playground equipment, and bus shelters.
- F. Those special permit uses and special exception uses which do not require a site plan as set forth in Article 8 or Article 9, respectively.
- G. Any permitted use on a temporary basis for a period not to exceed one (1) year.

Notwithstanding the above, a PRC plan shall not be required for additions and alterations to provide an accessibility improvement.

- 3. A PRC plan may be prepared and submitted for the entire planned development at one time or for the various segments thereof, and each such plan shall be submitted in fifteen (15) twenty-three (23) copies to the Director Zoning Administrator.
- 4. ~~Any person who submits a PRC plan shall submit written notices to:~~
 - A. ~~All owners of property abutting and immediately across the street from the subject property. Such notice shall include notice to owners of properties abutting and immediately across the street which lie in an adjoining county or municipality. If there are fewer than five (5) different owners of property abutting and immediately across the street from the subject property, then additional notices shall be sent to other property owners in the immediate vicinity so that notices are sent to different owners of not less than five (5) properties.~~
 - B. ~~Community wide citizens organizations, cluster organizations and associations of homeowners set forth on a list supplied by the Director. Such organizations and associations shall have indicated in writing to the Director an interest in receiving such notices.~~

Such notice shall be sent to the last known address of the owner(s) as shown in the current real estate assessment files and shall be sent by certified mail, return receipt requested. All written notice required by this Paragraph shall include the information listed in Par. 5 below, other than the date posted, and shall state that: (1) any written comments shall be filed with the Director no later than forty four (44) days after the date of the PRC plan submission; (2) changes and corrections to the PRC plan may occur prior to approval; and (3) persons wishing to be notified of the approval of the plan should submit a written request to that effect to the County office identified in the notice.

Such notice shall be sent by certified mail return receipt requested and shall be postmarked no later than five (5) days after the date of the submission of the PRC plan and the white receipts for the certified mailings shall be submitted to the Director.

A copy of such notice shall also be sent by the Director to the Board Member in whose district the subject property is located at the time of the plan submission.

No PRC plan shall be approved earlier than forty (40) days after the postmark date on the white receipts for the certified mailings. Failure to meet the requirement for written notices to be sent by certified mail no later than five (5) days after the submission date shall extend the time period for action by the Director by an equivalent number of days from the postmark date of the certified mailings.

5. In addition, a person who submits a PRC plan shall be responsible for posting the exterior boundary of the site. DPWES shall provide the applicant with a notice containing the following information to be posted:

- A. Notice that a PRC plan has been submitted for approval.
- B. Address and telephone number of the County office where a copy of the plan may be reviewed.
- C. PRC plan number.
- D. Description of use.
- E. Tax map reference number, street address and location of property.
- F. Date submitted.
- G. Date posted.
- H. Statement that the PRC plan is subject to approval forty five (45) days after the date of submission.

Such posting shall be accomplished by the applicant no later than ten (10) days after the date of PRC plan submission and an affidavit stating the date of the posting shall be submitted to the Director. Failure to meet the ten (10) day

posting requirement shall extend the time period for action by the Director by an equivalent number of days.

6. Upon determination by the Director that the content of the PRC plan is complete in accordance with the requirements of Sect. 303 below, the plan shall be submitted for review and comment to appropriate County departments and agencies.
7. Any interested party may review the PRC plan and may provide written comments to the Director no later than forty four (44) days after the plan submission date.
8. The Director shall review the comments from the appropriate County departments and agencies, and those that may be submitted by any interested party and take action on the plan as provided for below no later than sixty (60) days after the date when the plan was accepted as complete, except as provided for in Paragraphs 4 and 5 above.
9. The Director shall determine whether the PRC plan meets the criteria of being in substantial conformance with the approved rezoning and development plan, and in accordance with the design standards of Sect. 102 above and the applicable objectives and regulations of the PRC District. Upon a determination that the plan does comply, the Director shall approve the plan. Upon a determination that the plan does not comply, the Director shall disapprove the plan.

In approving a PRC plan, the Director may establish such conditions and may require such modifications as to assure compliance with the above criteria.

In disapproving a PRC plan, the reasons for disapproval shall be provided in writing on the plan or in a separate document.
10. Should an aggrieved party wish to appeal a decision of the Director for approval, approval with conditions and/or modifications or disapproval of a PRC plan, such appeal shall be filed in writing with the Planning Commission no later than fourteen (14) days after the signature date of the written decision of the Director. The appeal shall provide the basis for appeal and the rationale for the appellant's position. The basis for appeal shall be that the PRC plan is or is not in substantial conformance with the approved rezoning and development plan, or in accordance with the design standards of Sect. 102 above or the applicable objectives or regulations of the PRC District. A copy of the appeal shall be sent by the appellant to the applicant and the owner, if different from the applicant.
11. Within thirty (30) days following receipt of the appeal, the Planning Commission shall exercise one of the following options:
 - A. Schedule a date within sixty (60) days for consideration of the appeal on a finding that it satisfies the requirements set forth in Par. 10 above; or
 - B. Dismiss the appeal on a finding that it does not satisfy the requirements set forth in Par. 10 above.

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12. ~~In acting on an appeal, the Planning Commission shall determine whether the PRC plan is in substantial conformance with the approved rezoning and development plan, and in accordance with the design standards of Sect. 102 above and the applicable objectives and regulations of the district. The Planning Commission may affirm or reverse, in whole or in part, or may modify the decision on appeal, to include the establishment of conditions and/or modifications to assure substantial conformance with the rezoning and development plan and accordance with the design standards of Sect. 102 above, and the applicable objectives and regulations of the PRC District.~~
4. Upon determination by the Zoning Administrator that the content of the PRC plan is complete in accordance with the requirements of Sect. 303 below, the plan shall be accepted and submitted for comment and review to appropriate departments and agencies. Upon completion of such administrative review, the plan shall be submitted to the Planning Commission.
5. The Planning Commission shall consider the PRC plan in accordance with the standards set forth in Par. 1 above, and shall hold a public hearing thereon. In the event the PRC plan is not filed with and included in the processing of the rezoning application, the Planning Commission shall hold a public hearing no later than six (6) months from the date the plan has been accepted. Subsequent to the public hearing, the Commission shall transmit the PRC plan to the Board with its recommendation to approve, approve with modifications or disapprove.
6. The Board shall consider the PRC plan in accordance with the standards set forth in Par. 1 above, and shall hold a public hearing thereon. The Board shall approve, approve with modifications or disapprove the PRC plan.
7. Once the PRC plan has been approved, all subsequent approvals, uses and structures shall be in substantial conformance with the approved PRC plan and any development conditions associated with such approval.
138. Minor modifications to an approved rezoning and development plan may be permitted in a PRC plan when it is determined by the Zoning Administrator that such are in substantial conformance with the approved rezoning and development plan and that such: are in response to issues of topography, drainage, underground utilities, structural safety, layout, design, vehicular circulation, or requirements of the Virginia Department of Transportation or Fairfax County; or are accessory uses; or are accessory structures or minor building additions as permitted by Par. 138A(7) or 138B(7) below.
- A. For approved rezonings and development plans for all uses, other than churches, chapels, temples, synagogues and other such places of worship (hereinafter places of worship) and places of worship with a child care center, nursery school or private school of general or special education, the modifications shall, in no event:

- (1) Permit a more intensive use than that approved pursuant to the approved rezoning and development plan; or
- (2) Result in an increased parking requirement, except for any additional parking which may be required for any building additions or modifications permitted under Par. 13-8A(7) below; or
- (3) Permit additional uses other than those approved pursuant to the approved rezoning and development plan, except that accessory uses in accordance with this paragraph may be permitted; or
- (4) Reduce the effectiveness of approved transitional screening, buffering, landscaping or open space; or
- (5) Permit changes to bulk, mass, orientation or location which adversely impact the relationship of the development or part thereof to adjacent property; or
- (6) Result in an increase in the amount of clearing and/or grading for a stormwater management facility, including any clearing and/or grading associated with spillways, inlets, outfall pipes or maintenance roads, that reduces non-stormwater management open space, tree save and/or landscaping area on the lot; or
- (7) Include the addition of any building or additions to buildings except that accessory structures clearly subordinate to the use and minor additions to buildings may be permitted, provided that the sum total of all such structures or additions shall not exceed the following:
 - (a) five (5) percent of the approved gross floor area or 500 square feet of gross floor area, whichever is less, when the total gross floor area shown on the approved development plan is less than 50,000 square feet; or
 - (b) one (1) percent of the approved gross floor area when the total gross floor area shown on the approved development plan is 50,000 square feet or more; or
 - (c) 250 square feet of gross floor area of accessory storage structure uses when the total gross floor area shown on the approved development plan is 10,000 square feet or less; and
 - (d) the maximum permitted density; or
 - (e) the maximum permitted FAR.

1 B. For approved rezonings and development plans for places of worship and
2 places of worship with a child care center, nursery school or private school
3 of general education, the modifications shall, in no event:

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5 (1) Permit an expansion of the hours of operation from that approved
6 pursuant to the approved rezoning and development plan; or
7
8 (2) Permit an increase in the number of seats, parking spaces or students,
9 if applicable, which exceeds more than ten (10) percent of the amount
10 approved pursuant to the rezoning and development plan; or
11
12 (3) Permit uses other than those approved pursuant to the rezoning and
13 development plan, except that accessory uses in accordance with this
14 paragraph may be permitted; or
15
16 (4) Reduce the effectiveness of approved transitional screening,
17 buffering, and landscaping or open space; or
18
19 (5) Permit changes to bulk, mass, orientation or location which adversely
20 impact the relationship of the development or part thereof to adjacent
21 property; or
22
23 (6) Result in an increase in the amount of clearing and/or grading for a
24 stormwater management facility, including any clearing and/or
25 grading associated with spillways, inlets, outfall pipes or maintenance
26 roads, that reduces non-stormwater management open space, tree save
27 and/or landscaping area on the lot; or
28
29 (7) Include the addition of any building or additions to buildings except
30 that accessory structures clearly subordinate to the use, and minor
31 additions to buildings may be permitted, provided that:
32
33 (a) the sum total of all such structures or additions shall not exceed
34 the greater of 500 square feet of gross floor area, or five (5)
35 percent of the approved gross floor area up to a maximum of
36 2500 square feet of gross floor area; and
37
38 (b) the maximum permitted FAR for the zoning district shall not be
39 exceeded.
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41 C. For all approved rezonings and development plans, any request for an
42 addition shall require the provision of written notice by the requester in
43 accordance with the following:

- 44
45 (1) the notice shall include the letter of request with all attachments as
46 submitted to the Zoning Administrator, a statement that the request
47 has been submitted, and where to call for additional information; and
48

- (2) the notice shall be sent to the last known address of the owners, as shown in the real estate assessment files of the Department of Tax Administration, of all property abutting and across the street from the site, or portion thereof, which is the subject of the request, and shall be delivered by hand or sent by certified mail, return receipt requested.

The request for an addition submitted to the Zoning Administrator shall include: an affidavit from the requester affirming that the required notice has been provided in accordance with the above; the date that the notice was delivered or sent; the names and addresses of all persons notified; and the Tax Map references for all parcels notified. No request for an addition shall be considered by the Zoning Administrator unless the affidavit has been provided in accordance with this paragraph.

When it is determined by the Zoning Administrator that a modification is not in substantial conformance with the approved development plan, such modification shall require the resubmission and amendment of the development plan in accordance with Sect. 202 above.

149. Notwithstanding Par. 138 above, any modification to provide an accessibility improvement shall be permitted and shall not require approval of a development plan amendment.

1510. Once a PRC plan has been approved, any proposed amendment shall be processed in the same manner as the original submission.

- ~~16. Approval of a PRC plan shall be valid for three (3) years from the date of approval. However, when a site plan for all or a portion of the area is approved during that period, the approved PRC plan for the corresponding area shall remain valid for the life of the site plan.~~

1711. Preliminary site plans approved prior to December 6, 1994 and preliminary site plans approved pursuant to the grandfather provisions for Zoning Ordinance Amendment #94-263 shall be deemed to be approved PRC plans. Additionally, PRC plans processed and approved prior to [effective date of this amendment] shall be deemed to be approved PRC plans and shall be valid for three (3) years from the date of approval. However, if a site plan for all or a portion of the area is approved during that period, the approved PRC plan for the corresponding area shall remain valid for the life of the site plan.

Amend Sect. 16-204, Site Plan/Subdivision Plat Preparation, by revising Par. 2 to read as follows:

2. Minor modifications to the approved development plan or approved PRC plan may be permitted in a site plan or subdivision plat in accordance with Paragraphs 138 and 149 of Sect. 203 above. When it is determined by the Zoning Administrator that a modification is not in substantial conformance with the

approved development plan or approved PRC plan, such modification shall require the resubmission and amendment of the development plan or PRC plan in accordance with the applicable procedures set forth above.

Amend Sect. 16-303, PRC Plan, to read as follows:

A PRC plan shall be filed with the ~~Director~~ Zoning Administrator in ~~fifteen (15)~~ twenty-three (23) copies, and shall include the information set forth below. A PRC plan or portion thereof involving engineering, architecture, landscape architecture or land surveying shall be respectively certified by an engineer, architect, landscape architect or land surveyor authorized by the State to practice as such. All maps, plans, sketches and illustrations submitted as part of a PRC plan shall be presented on a sheet having a size of 24" x 36". If presented on more than one (1) sheet, match lines shall clearly indicate where several sheets join. One 8 1/2" x 11" reduction of the PRC plan and supporting graphics shall also be submitted. The submission requirements for any amendment to an approved PRC plan shall be those requirements deemed necessary for a review of such amendment as determined by the ~~Director~~ Zoning Administrator. All submission requirements shall become the property of the County.

1. A plan at a scale of not less than one inch equals one hundred feet (1" = 100') showing:
 - A. A vicinity map at a scale of not less than one inch equals two thousand feet (1" = 2000').
 - B. A boundary survey of the property, with an error of closure within the limit of one (1) in twenty thousand (20,000) related to true meridian, and showing the location and type of boundary evidence. The survey may be related to the U.S.C. & G.S., State grid north, if the coordinates of two (2) adjacent corners are shown. Such information may be obtained from recorded plats in the case of lots and subdivisions recorded subsequent to September 1, 1947.
 - C. Total area of the property.
 - D. Scale and north arrow.
 - E. Existing topography with a maximum contour interval of two (2) feet.
 - F. The general location and arrangement of all existing or proposed buildings and uses on the site and, if known, on adjacent properties.
 - G. The approximate height in feet of all buildings and number of floors of all buildings other than single family dwellings on the site and, if known, on adjacent properties.
 - H. The approximate distances of all structures from the development boundaries as shown on the PRC plan and abutting streets.

- I. The traffic circulation system showing the location of existing, platted and proposed streets and easements including names and route numbers, the approximate width and typical cross sections including acceleration, deceleration and turn lanes, service drives, entrances to parking areas and parking structures, the location and width of pedestrian walkways, bicycle paths and/or bridle paths, and all trails required by the adopted comprehensive plan.
- J. The off-street parking and loading areas and structures with typical space and aisle dimensions.
- K. The open space areas, identifying the proposed general treatment or improvement of all such areas, delineating those areas proposed for recreational facilities and delineating any Resource Protection Area and Resource Management Area.
- L. Approximate delineation of any floodplain designated by the Federal Insurance Administration, United States Geological Survey, or Fairfax County.
- M. General location and anticipated types of recreational facilities.
- N. A plan or statement showing how public utilities are or will be provided. In addition, the approximate location of existing and proposed storm and sanitary sewer lines shall be shown.
- O. Approximate location, estimated size of footprint in acres and type of all proposed stormwater management facilities, including the full extent of side slopes, embankments, spillways, dams and approximate water surface elevation for design storms, if applicable. In addition, a preliminary stormwater management plan that includes information about the adequacy of downstream drainage, including the sufficiency of capacity of any storm drainage pipes and other conveyances into which stormwater runoff from the site will be conveyed. When there is 2500 square feet or more of land disturbing activity on the entire application property, in addition to the above, the preliminary stormwater management plan shall include:
 - (1) A graphic depicting:
 - (a) The approximate footprint of the stormwater management facility and, where applicable, the height of the dam embankment and the location of the emergency spillway outlet for each stormwater management facility.
 - (b) The approximate on-site and off-site areas to be served by each stormwater management facility, along with the acreage draining to each facility.

- (c) A preliminary layout of all on-site drainage channels, outfalls and pipes, including inlet and outlet pipes within the stormwater management facility.
 - (d) The approximate location or alternative locations, if any, of any maintenance access road or other means of access to the stormwater management facility, and the identification of the types of surfaces to be used for any such road.
 - (e) Proposed landscaping and tree preservation areas in and near the stormwater management facility.
 - (f) The approximate limits of clearing and grading on-site and off-site for the stormwater management facility, storm drainage pipes, spillways, access roads and outfalls, including energy dissipation, storm drain outlet protection and/or stream bank stabilization measures.
 - (2) A preliminary stormwater management narrative setting forth the following:
 - (a) Description of how the detention and best management practice requirements will be met.
 - (b) The estimated area and volume of storage of the stormwater management facility to meet stormwater detention and best management practice requirements.
 - (c) For each watercourse into which drainage from the property is discharged, a description of the existing outfall conditions, including any existing ponds or structures in the outfall area. The outfall area shall include all land located between the point of discharge from the property that is located farthest upstream, down to the point where the drainage area of the receiving watercourse exceeds 100 times the area of that portion of the property that drains to it or to a floodplain that drains an area of at least 1 square mile, whichever comes first.
 - (d) Description of how the adequate outfall requirements of the Public Facilities Manual will be satisfied.
- P. The location of all existing utility easements having a width of twenty-five (25) feet or more, and all major underground utility easements regardless of width.

1 Q. Approximate delineation of any grave, object or structure marking a burial
2 site if known, and a statement indicating how the proposed development
3 will impact the burial site.
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5 2. A statement in tabular form which sets forth the following data, when such data
6 is applicable to a given PRC plan:
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8 A. Total number of dwelling units by type to include the corresponding
9 population totals and density type based on the computation factors set
10 forth in Sect. 6-308 and the maximum density provisions of Sect. 2-308.
11

12 B. Approximate total gross floor area and FAR for all uses other than
13 dwellings.
14

15 C. Approximate total area in open space.
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17 D. A schedule showing the total number of parking and loading spaces
18 provided and the number required by the provisions of Article 11.
19

20 3. A map identifying classification of soil types at a scale of not less than one inch
21 equals five hundred feet (1" = 500'), based upon information available on the
22 County of Fairfax Soils Identification Maps.
23

24 4. A statement of the architectural concepts and typical bulk of the proposed
25 structures, and if available, schematic architectural sketches.
26

27 5. A statement of the landscaping concepts, proposed screening measures and
28 proposed tree cover indicating compliance with the tree cover provisions of the
29 Public Facilities Manual.
30

31 6. When the development is to be constructed in sections, a proposed sequence of
32 development schedule showing the order of construction of such sections, and an
33 approximate completion date for the construction of each section.
34

35 7. Identification of the necessity for floodplain studies, drainage studies, soil reports
36 and for easements and/or letters of permission for off-site construction.
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38 8. Where applicable, any other information as may be required by the provisions of
39 Article 7.
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41
42 **Amend Article 18, Administration, Amendments, Violations and Penalties, Part 1,**
43 **Administration, as follows:**
44

45 - **Amend Sect. 18-106, Application and Zoning Compliance Letter Fee, by deleting**
46 **the PRC plan entry in Par. 6 and renumbering the subsequent paragraphs**
47 **accordingly and adding a new PRC plan fee and**
48

All appeals and applications as provided for in this Ordinance and requests for zoning compliance letters shall be accompanied by a filing fee in the amount to be determined by the following paragraphs unless otherwise waived by the Board for good cause shown; except that no fee shall be required where the applicant is the County of Fairfax or any agency, authority, commission or other body specifically created by the County, State or Federal Government. All fees shall be made payable to the County of Fairfax. Receipts therefore shall be issued in duplicate, one (1) copy of which receipt shall be maintained on file with the Department of Planning and Zoning.

2. Application for an amendment to the Zoning Map:

District Requested	Filing Fee
All R Districts	\$8820 plus \$185 per acre
All C, I and Overlay Districts	\$8820 plus \$295 per acre
PRC District	\$8820 plus \$295 per acre
<u>PRC plan</u>	<u>\$4410 plus \$140 per acre</u>
<u>Application with concurrent filing of a</u> <u>PRC plan</u>	<u>\$8820 plus \$435 per acre</u>
PDH, PDC and PRM District	
Application with conceptual development plan	\$8820 plus \$295 per acre
Application with concurrent filing of conceptual and final development plans	\$8820 plus \$435 per acre
Final development plan	\$4410 plus \$140 per acre
Amendment to a pending application for an amendment to the Zoning Map	\$1470 plus applicable per acre fee for acreage affected by the amendment
Amendment to a pending application for a final development plan or development plan amendment <u>or PRC plan</u>	\$1335
Amendment to a previously approved proffered condition, development plan, final development plan, conceptual development plan, <u>PRC plan</u> or concurrent conceptual/final	\$295

development plan for a reduction of certain yard requirements on a single family dwelling lot or an increase in fence and/or wall height on a single family lot

Amendment to a previously approved proffered condition; development plan, final development plan, conceptual development plan, PRC plan or concurrent conceptual/final development plan for a reduction of certain yard requirements on all other uses or an increase in fence and/or wall height on all other uses \$2645

All other amendments to a previously approved development plan, proffered condition, conceptual development plan, final development plan, PRC plan or concurrent conceptual/final development plan

With new construction

\$4410 plus applicable per acre fee for acreage affected by the amendment

With no new construction

\$4410

Note: For purpose of computing acreage fees, any portion of an acre shall be counted as an acre.

The fee for an amendment to a pending application is only applicable when the amendment request results in a change in land area, change in use or other substantial revision.

6. ~~PRC plan: \$4275 for each plan submission~~

Amend Sect. 18-110, Required Notice for Public Hearings, by revising Paragraphs 2 and 4 to read as follows:

No public hearing as required by the provisions of this Ordinance shall be held unless documented evidence can be presented that the following notice requirements have been satisfied.

The subject of the public hearing need not be advertised in full, but may be advertised by reference. Every such advertisement shall contain a descriptive summary of the proposed action and shall contain a reference to the place or places within the County where copies of the subject of public hearing may be examined.

2. Written Notice to Applicant/Appellant: For an application for amendment to the Zoning Map, PRC plan, final development plan, special exception, special permit, variance, or appeal as set forth in Part 3 of this Article, the hearing body shall send written notice of the public hearing to the applicant/appellant. Such written notice shall be sent by either first class or certified mail postmarked a minimum of twenty (20) days before the day of the hearing.
4. Written Notice to Property Owners: Written notice to property owners and adjacent property owners shall be sent in accordance with the following provisions.
 - A. Application for a Zoning Map amendment which involves a change in the zoning classification or a PRC plan or a final development plan:
 - (1) The applicant shall send written notice to the property owner(s) of each parcel involved in the application; and
 - (2) The applicant shall send written notice to all owners of property abutting and immediately across the street from the subject property. Such notice shall include notice to owners of property abutting and immediately across the street which lie in an adjoining city or county. If such notice does not result in the notification of twenty-five (25) different property owners, then additional notices shall be sent to other property owners in the immediate vicinity so that notices are sent to different owners of not less than twenty-five (25) properties.
 - B. Application for a special exception:
 - (1) The applicant shall send written notice to the property owner(s), if different from the applicant, of each parcel involved in the application; and
 - (2) The applicant shall send written notice to all owners of property abutting and immediately across the street from the subject property. Such notice shall include notice to owners of properties abutting and immediately across the street which lie in an adjoining county or city. If such notice does not result in the notification of twenty-five (25) different property owners, then additional notices shall be sent to other property owners in the immediate vicinity so that notices are sent to different owners of not less than twenty-five (25) properties.
 - C. Application for special permit, variance, or appeal as provided in Part 3 of this Article:

1 (1) The applicant shall send written notice to the property owner(s), if
2 different from the applicant, of each parcel involved in the
3 application; and
4

5 (2) The applicant shall send written notice to all owners of property
6 abutting and immediately across the street from the subject property.
7 Such notice shall include notice to owners of properties abutting and
8 immediately across the street which lie in an adjoining county or city.
9 If such notice does not result in the notification of ten (10) different
10 property owners, then additional notices shall be sent to other
11 property owners in the immediate vicinity so that notices are sent to
12 different owners of not less than ten (10) properties.
13

14 D. For all of the above, the following shall also apply; however in all
15 instances, the minimum number of written notices shall be sent as required
16 by Paragraphs 4A through 4C above:
17

18 (1) If the application property is an individual condominium or
19 cooperative unit within a condominium or cooperative building,
20 written notice shall be provided to:
21

22 (a) The condominium unit owners' association or proprietary
23 lessees' association; and
24

25 (b) Unit owners immediately abutting the application property or
26 on the same floor of the building as the application unit and
27 those unit owners immediately above and below the application
28 unit.
29

30 (2) When the application property is abutting or immediately across the
31 street from a condominium or cooperative property, written notice
32 shall be provided in accordance with the following:
33

34 (a) When the application property abuts or is immediately across
35 the street from open space or common ground of a
36 condominium or cooperative; the condominium unit owners'
37 association or proprietary lessees' association shall be notified
38 in lieu of the individual unit owners; and
39

40 (b) Where individual condominium or cooperative units or lots
41 abut or are immediately across the street from the application
42 property, written notice shall be sent to the owner of each such
43 unit.
44

45 E. For Zoning Map amendment applications, PRC plan, final development
46 plan, special exception and special permit applications which propose a
47 change in use or an increase greater than fifty (50) percent of the bulk or
48 height of an existing or proposed building, but not including renewals of

1 previously approved special exceptions or special permits, when the
2 application property, or part thereof, is located within one-half mile of a
3 boundary of an adjoining county or municipality of the Commonwealth,
4 then, in addition to the above, written notice shall also be given by the
5 hearing body, or its representative, at least fifteen (15) days before the
6 hearing to the chief administrative officer, or designee, of such adjoining
7 county or municipality.
8

9 F. In addition to the above, for an amendment application filed on a portion of
10 a property subject to rezoning, PRC plan, final development plan, special
11 exception or special permit approval, written notice shall be provided to all
12 owners of property subject to the rezoning, final development plan, special
13 exception or special permit approval unless the Zoning Administrator
14 determines that such additional notice is not necessary as the proposed
15 change is to one component or one lot which does not affect the rest of the
16 development. Such written notice shall comply with the requirements of
17 this Paragraph with regard to content and timeliness.
18

19 G. For Zoning Map amendment, development plan, PRC plan, special
20 exception and special permit applications when the application property, or
21 part thereof, is located within 3000 feet of a boundary of a military base,
22 military installation, military airport, excluding armories operated by the
23 Virginia National Guard, or licensed public use airport, written notice shall
24 also be given by the hearing body, or its representative, at least 10 days
25 before the hearing to the commander of the military base, military
26 installation, military airport, or owner of such public use airport. The
27 notice shall advise the military commander or owner of such public use
28 airport of the opportunity to submit comments or recommendations. For
29 the purposes of this paragraph, military installations shall include, but not
30 limited to, military camps, forts or bases. In addition, public use airports
31 shall include those licensed airports contained on the list of public use
32 airports that is maintained by the Virginia Department of Aviation.

Attachment A

Calculating Residential Density in the PRC

Sect. 6-308 of the Zoning Ordinance provides that the overall maximum residential density within a PRC District shall not exceed 13 persons per acre of gross residential and associated commercial areas, and also sets forth a maximum density for each of the types of permitted residential densities (i.e. low, medium, and high).

To calculate overall residential density, the total number of acres and the number and type of all dwelling units within a PRC are required. The Zoning Ordinance assigns a "persons per dwelling unit" factor for each type of dwelling unit, as follows: 3.5 persons per single family detached dwelling; 3.0 persons per single family attached dwelling; 2.5 persons per garden apartment multiple family dwelling (4 stories or less with or without an elevator); and 2.0 persons per elevator apartment multiple family dwelling (5 stories or greater). The number of persons per each dwelling unit type are then added together and divided by the total number of acres within the PRC.

For example, a PRC District of 750 acres with 100 single family detached dwellings, 200 single family attached dwellings, 300 garden apartments, and 400 elevator apartments would be calculated as follows:

100 single family attached dwellings	X 3.5 persons =	350 persons
200 single family detached dwellings	X 3.0 persons =	600 persons
300 garden apartments	X 2.5 persons =	750 persons
400 elevator apartments	X 2.0 persons =	800 persons
		2,500 total persons in the PRC

$$2,500 \text{ persons in the PRC} / 750 \text{ acres} = 3.33 \text{ persons per acre.}$$

The Zoning Ordinance limits the low, medium and high residential densities in two ways: by a maximum permitted persons per acre approved for a specific type of residential density in a PRC and by a maximum permitted persons per acre for all land areas approved for a specific type of residential density in a PRC. The maximum permitted densities set forth in Sect. 6-308 of the Zoning Ordinance are:

Low: The overall density within the entire area of a PRC District that is designated for low density shall not exceed 3.8 persons per acre of gross residential area. Further, the density in any one low density area shall not exceed five (5) dwelling units per acre.

Medium: The overall density within the entire area of a PRC District that is designated for medium density shall not exceed 14 persons per acre of gross residential area. Further, the density in any one medium density area shall not exceed twenty (20) dwelling units per acre.

High: The overall density within the entire area of a PRC District that is designated for high density shall not exceed 60 persons per acre of gross residential area. Further, the density in any one high density area shall not exceed fifty (50) dwelling units per acre.

To calculate the density within one of the specific residential density designations, a similar method as provided above is used wherein the persons per unit factor is multiplied by the number of a specific type of dwelling unit, and then the total number of persons within that residential area is divided by the total number of acres in the residential area.

For example, a PRC with a total of 100 acres approved for low density residential development is comprised of two areas, one with 40 acres of land area and another with 60 acres of land area. The residential density of the 40 acre parcel, provided it contains 30 single family detached dwellings and 20 single family attached dwellings, would be calculated as follows:

30 single family attached dwellings	X 3.5 persons =	105 persons
20 single family detached dwellings	X 3.0 persons =	60 persons
		165 persons

$$165 \text{ persons} / 40 \text{ acres} = 4.2 \text{ persons per acre.}$$

Similarly, the residential density of the 60 acre parcel, provided it contained 60 single family detached dwellings, would be 3.5 persons per acre.

Therefore, the overall density for the entire 100 acres of land area within the PRC approved for low density residential development would be calculated as follows:

90 single family attached dwellings	X 3.5 persons =	315 persons
20 single family detached dwellings	X 3.0 persons =	60 persons
		375 persons

$$375 \text{ persons} / 100 \text{ acres} = 3.8 \text{ persons per acre.}$$

Reston: Existing/Proposed Residential Development Potential*

Total units	26,443
Single family detached	4,247
Single family attached	8,205
Garden	10,475
Elevator	3,516
Acres	6,224

Density calculation

Unit Type	Unit count	Population Factor		Number of Persons	
		existing	proposed	existing	proposed
Single family detached	4,247	3.5 persons	3.0 persons	14,865	12,741
Single family attached	8,205	3.0 persons	2.7 persons	24,615	22,154
Garden	10,475	2.5 persons	2.1 persons (multiple family)	26,188	21,998
Elevator	3,516	2.0 persons	2.1 persons (multiple family)	7,032	7,384
				72,700	64,277
				current population	
				11.68	10.33
				persons per acre	

Maximum population calculation

6,224 acres @ 13 person per acre = maximum population of 80,912 persons

Existing	Proposed
80,912 max. pop. – 72,700 current pop. = 8,212 persons of available density; 2,346 single family detached units or 2,737 single family attached units or 3,284 garden units or 4,106 elevator units	80,912 max. pop. – 64,277 current pop. = 16,635 persons of available density; 5,545 single family detached units or 6,161 single family attached units or 7,921 multiple family units

* Sources: Dwelling unit count from Department of Tax Administration data and Plan and Document Control; proposed population factors are from 2005 Fairfax County Demographic Report.

Burke Centre: Existing/Proposed Residential Development Potential*

Total units	5,805
Single family detached	2,225
Single family attached	2,478
Garden	1,102
Elevator	0
Acres	1,516.3

Density calculation

Unit Type	Unit count	Population Factor		Number of Persons	
		existing	proposed	existing	proposed
Single family detached	2,225	3.5 persons	3.0 persons	7,788	6,675
Single family attached	2,478	3.0 persons	2.7 persons	7,434	6,691
Garden	1,102	2.5 persons	2.1 persons (multiple family)	2,755	2,315
Elevator	0	2.0 persons	2.1 persons (multiple family)	0	0
				17,977	15,681
				current population	
				11.86	10.34
				persons per acre	

Maximum population calculation

1,516.3 acres @ 13 person per acre = maximum population of 19,711 persons

Existing	Proposed
19,711 max. pop. - 17,977 current pop. = 1,734 persons of available density; 495 single family detached units or 578 single family attached units or 693 garden units or 867 elevator units	19,711 max. pop. - 15,681 current pop. = 4,030 persons of available density; 1,343 single family detached units or 1,492 single family attached units or 1,919 multiple family units

* Sources: Dwelling unit count from Department of Tax Administration data and Plan and Document Control; proposed population factors are from 2005 Fairfax County Demographic Report.

Cardinal Forest: Existing/Proposed Residential Development Potential*

Total units	2,680
Single family detached	705
Single family attached	1,153
Garden	822
Elevator	0
Acres	827.7

Density calculation

Unit Type	Unit count	Population Factor		Number of Persons	
		existing	proposed	existing	proposed
Single family detached	705	3.5 persons	3.0 persons	2,468	2,115
Single family attached	1,153	3.0 persons	2.7 persons	3,459	3,114
Garden	822	2.5 persons	2.1 persons (multiple family)	2,055	1,727
Elevator	0	2.0 persons	2.1 persons (multiple family)	0	0
				7,982	6,956
				current population	
				9.64	8.40
				persons per acre	

Maximum population calculation

827.7 acres @ 13 person per acre = maximum population of 10,760 persons

Existing	Proposed
10,760 max. pop. – 7,982 current pop. = 2,778 persons of available density; 793 single family detached units or 926 single family attached units or 1,111 garden units or 1,389 elevator units	10,760 max. pop. – 6,956 current pop. = 3,804 persons of available density; 1,268 single family detached units or 1,408 single family attached units or 1,811 multiple family units

* Sources: Dwelling unit count from Department of Tax Administration data; proposed population factors are from 2005 Fairfax County Demographic Report and the factors in red are from the Zoning Ordinance.

