ZONING

Fundamentals, Structure Options, and Trends

May 2018

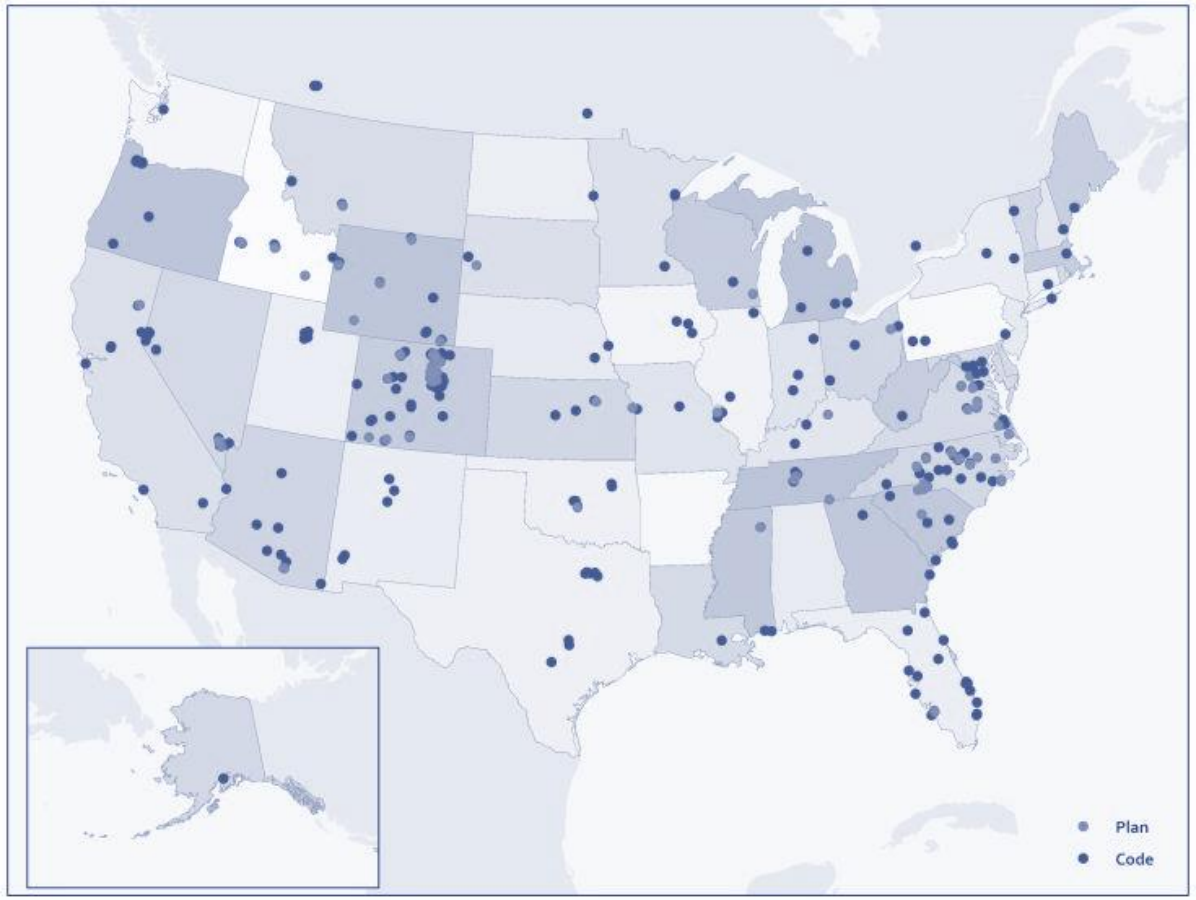
zMOD

CLARION

Today's discussion

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

CLARION



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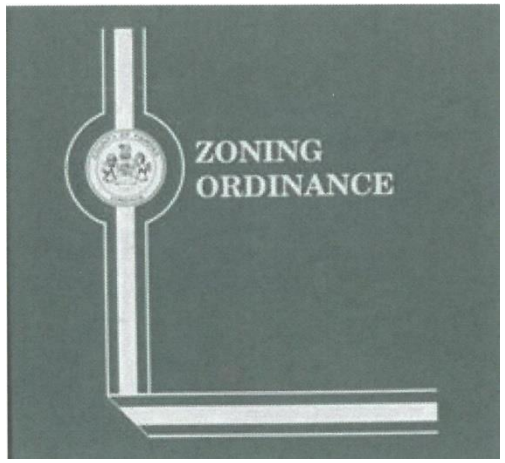
Zoning Ordinances

Significant experience with zoning under Virginia law

Overview:
The zMOD project

Why update the zoning ordinance?

- The structure of the current Zoning Ordinance is outdated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



Phase 1 (now)

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

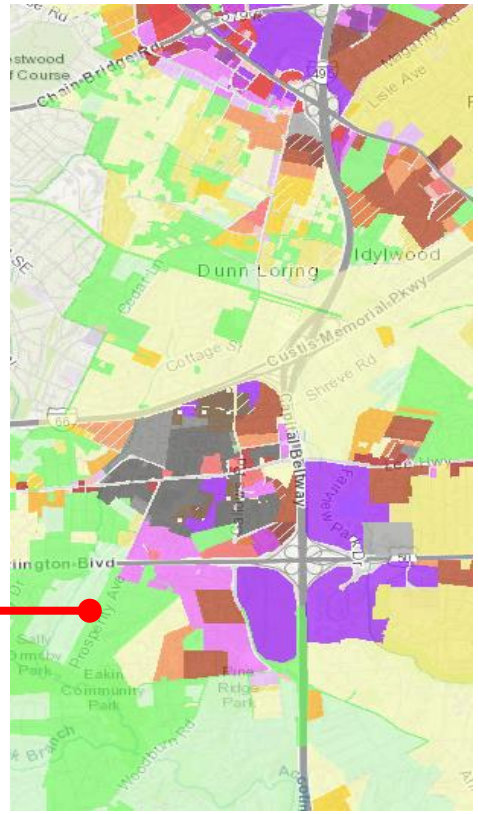
Phase 1 Tasks	2018				2019		
1. Project Initiation							
2. Initial Round of Public Outreach/Feedback	■						
3. Determine the Revised Zoning Ordinance Structure		■					
4. Update Land Uses			■	■			
5. Modernize the Zoning Ordinance Structure and Format					■	■	
6. Outreach/Engagement	■	■	■	■	■	■	
7.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

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

Zoning text vs. zoning map

- **The text –** Lists and standards for what you can build and what activities you can do on property in the various zoning districts

- **The map –** Identifies where each set of standards applies (Changing the Fairfax County zoning map is not part of the zMOD project)



Outreach and engagement

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

Changes will be noted

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

Fundamentals:
Zoning 101

What's in a zoning ordinance?

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

What's NOT in a zoning ordinance?

- **Subdivision Regulations**
  Rules for the creation of new developable lots are contained in the County Code

- **Building Safety Standards**
  Rules for constructing safe buildings are in the building code

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

Zoning Ordinance Structure Options

Current Fairfax County Zoning Ordinance Structure

Articles

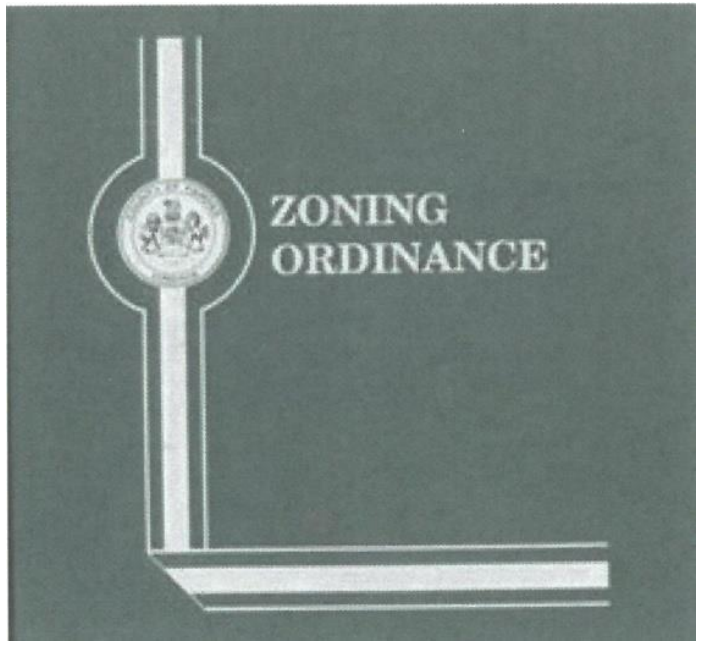
1. The Constitution of the Ordinance
2. General Regulations
3. Residential District Regulations
4. Commercial District Regulations
5. Industrial District Regulations
6. Planned Development District Regulations
7. Overlay District Regulations
8. Special Permits
9. Special Exceptions
10. Accessory Uses,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

Appendices

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

Weaknesses of the current structure

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



Zoning Ordinance structure used in other jurisdictions

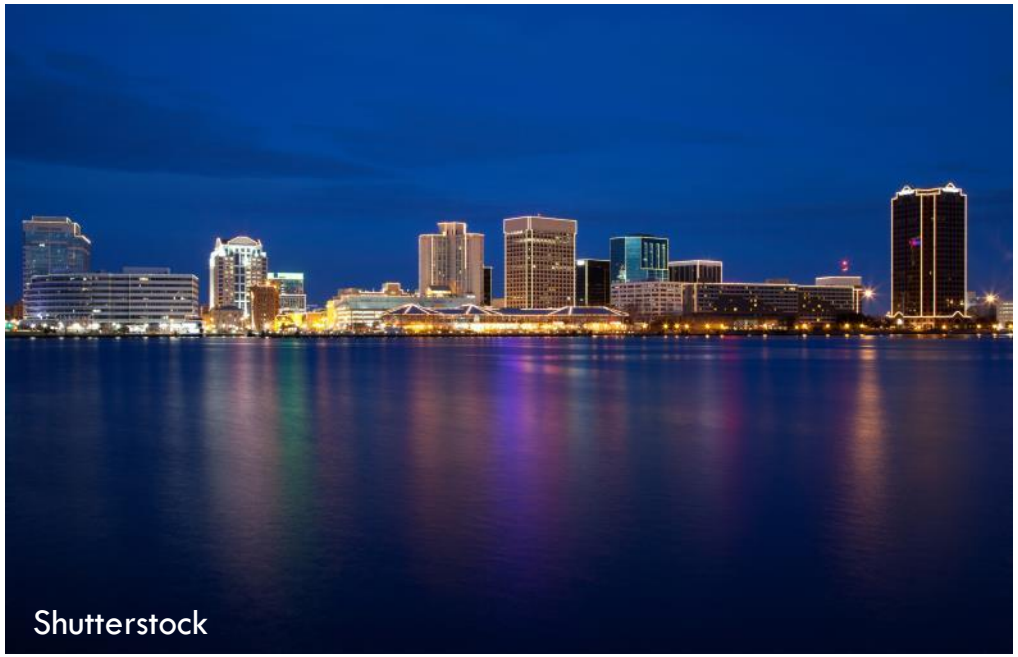
1. Indianapolis, Indiana
2. Norfolk, Virginia
3. Philadelphia, Pennsylvania
4. Prince George's County, Maryland

Indianapolis, Indiana

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

Norfolk, Virginia

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



Philadelphia, Pennsylvania

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

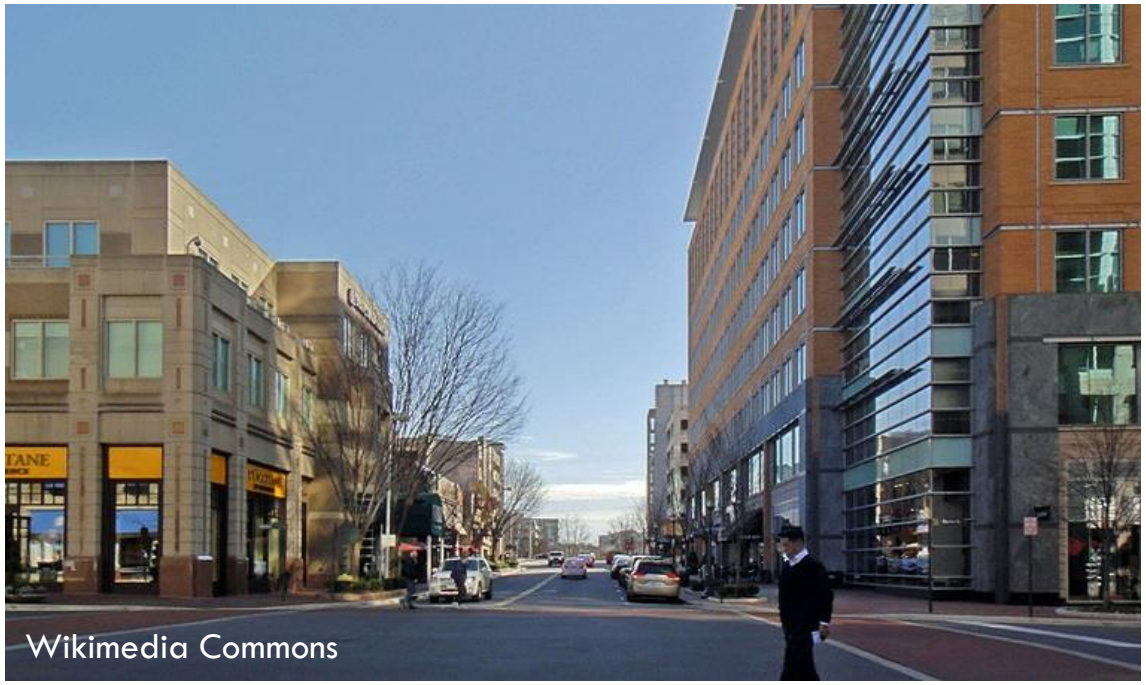
Prince George's County, Maryland

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

+ Plus separate subdivision regulations

Currently proposed structure for Fairfax County*

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


Wikimedia Commons

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

Currently proposed structure for Fairfax County*

1. **General Provisions**
   - Authority
   - Applicability
   - Grandfathering
   - Severability
   - Enabling legislation

2. **Zoning Districts**

   For each of the existing zoning districts:
   - Purpose statement
   - Summary of key dimensional standards
   - Standards unique to that district
   - Cross-references to use regulations and other Zoning Ordinance standards

3. **Overlay Districts**
   - Historic
   - Natural Resources
   - Airport Noise
   - Water Supply Protection
   - Commercial Revitalization

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

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

Currently proposed structure for Fairfax County*

5. **Development Standards**
   - Lot and building dimensions
   - Landscaping
   - Lighting
   - Floodplains
   - Affordable Housing
   - Vibration

6. **Parking and Loading Standards**
   - Parking and loading amount standards
   - Parking and loading design requirements

7. **Sign Standards**
   - Sign regulations
   - Sign Control Overlay District standards

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

9. **Definitions**
   - Definitions of terms

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

Benefits of the currently proposed structure

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

Benefits of the currently proposed structure (cont.)

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

Questions
& Discussion

COUNTY OF FAIRFAX 1742 VIRGINIA

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Trends:
Generally

The BIG picture

When communities update their documents, they often strive for:

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

More graphics (examples)

Table 030.1: Table of Allowed Uses

P = permitted by right **S** = special use permit required **Blank** = use prohibited

Use Category	Use Type (Proposed Districts →)	RR	RL	RM1	RM2	RH	RT	M1	M2	M3 (NEW)	CO	RE	I1	I2	IN (NEW)	HP	Use-Specific Standards	Required Parking[160]
Residential Uses																		
Household Living	Dwelling, live-work (new)					P	P	P	P	P	P	P	P	P			070.030.030(c)(2)	1 per dwelling unit
	Dwelling, multifamily[161]				P	P	P	P	P	P	P	P					070.030.030(c)(1)	2 per dwelling unit, plus 1 guest space per each 5 dwelling units[162]
	Dwelling, townhouse[163]				~~S~~ P	P	P	P	P	P	P	P				S	070.030.030(c)(1)	1.5 per dwelling unit, plus 1 guest space per each 5 dwelling units
	Dwelling, single-family detached	P	P	P	P	P	P	P	P		P	P				S	070.030.030(c)(1)	1 per dwelling unit
	Dwelling, two-family[164]		S	~~S~~ P	P	P	P	P	P		P					S	070.030.030(c)(1)	1.5 per dwelling unit
	Mobile home park					S	S	S			P						070.030.030(c)(3)	1 per dwelling unit
	Accessory dwelling unit	P	P	P	P	P	P	P	P		P	P				S	070.030.040(d)(1)	1 per unit[165]
Group Living	Convalescent or nursing home							P	P		P	P			P			1 per 3 beds

2.13. M3: Mixed-Use Activity Center[37]

A. Purpose

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

B. M3 Lot and Building Standards

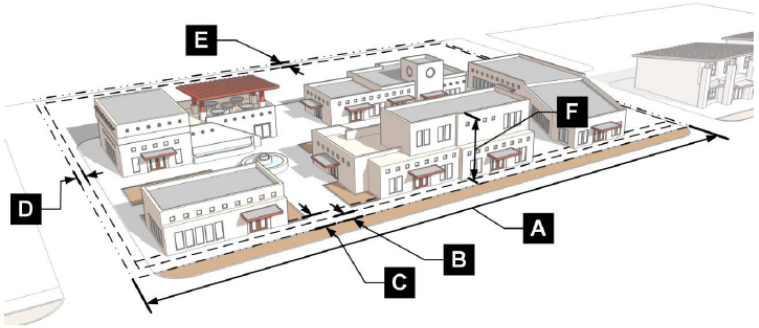
Lot Standards (minimum)		
A	Width (measured at lot frontage)	25 feet
	Area	5,000 sq. ft.[38]
Setbacks		
B	Front, minimum	5 feet
C	Front, maximum[39]	10 feet
D	Side, minimum	3 feet
E	Rear, minimum	10 feet
Height (maximum)		
F	Building height	25 ft. (See Sec. 2.23)
Impervious Coverage (maximum)		
	Building coverage	75 percent
	Total coverage	90 percent

C. Other Standards

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

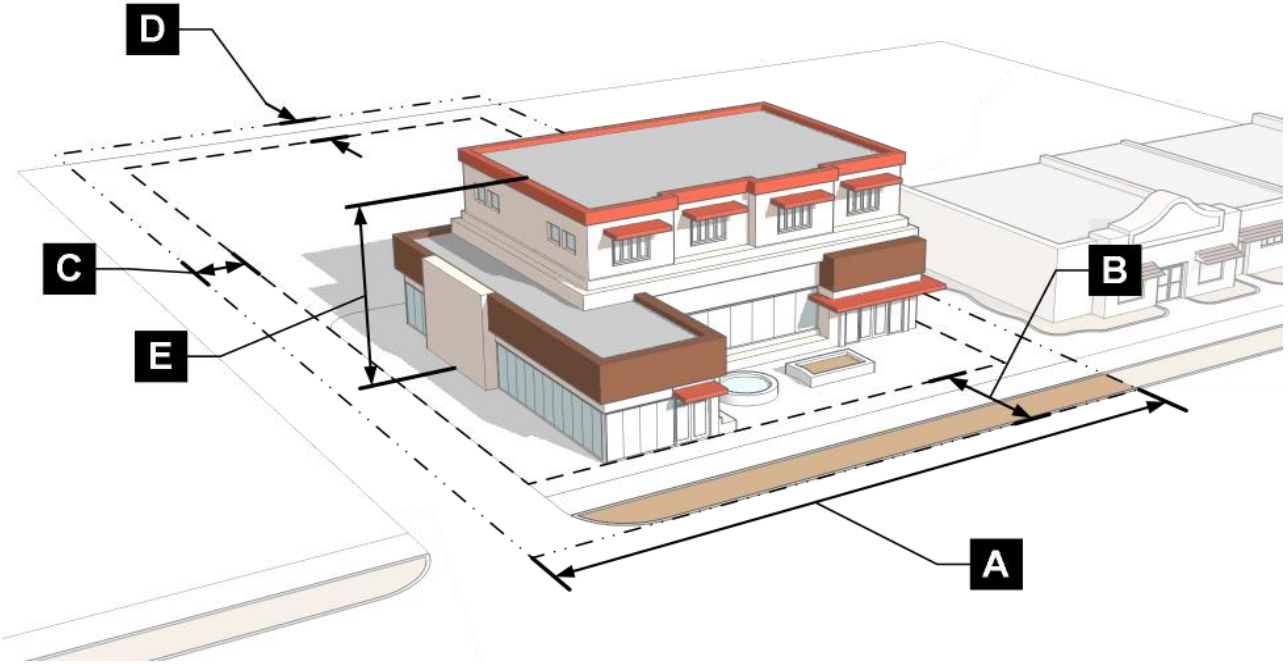
Notes:

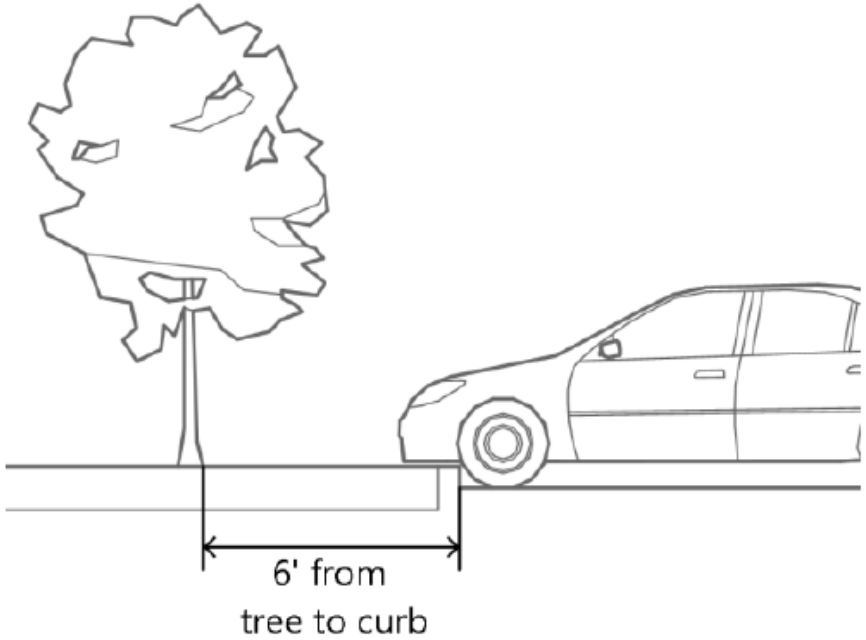
Sedona Community Plan says...
Ensure that a balance of land uses is maintained and identify areas for concentrated, mixed-use development, public gathering places, and land use transitions to provide healthy and sustainable residential neighborhoods and commercial areas and to address specific area needs.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



Sedona LDC – Districts and Uses
Module 1 PUBLIC DRAFT – July 2017
18

More graphics (examples)





Online access

Zoning Trends:

Land uses

Zoning trends for land uses

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

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

Defining broader/more flexible land uses

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

Defining broader/more flexible land uses

A better structure:

Use category
- example – **commercial**

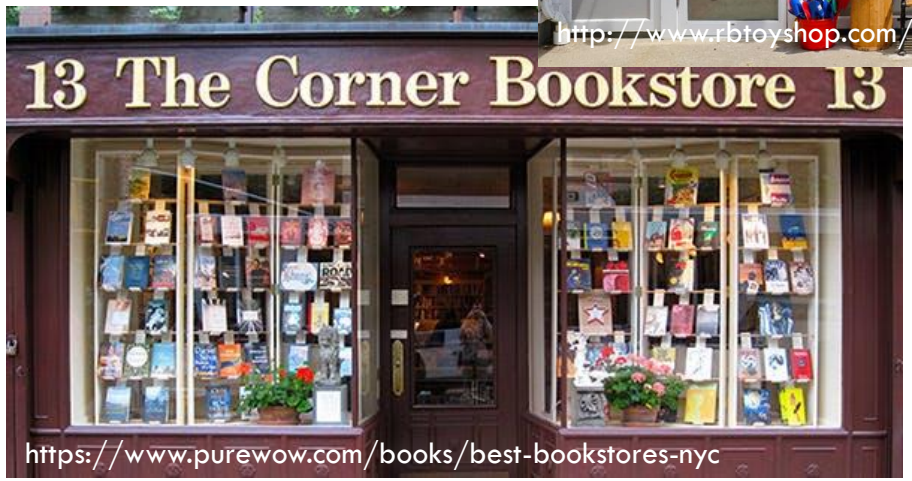
Use subcategory
- example – **retail uses**

Use type
- example – **retail sales small**

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

https://commons.wikimedia.org/wiki/File:Flower_Shop,_Shad_Thames,_London_SE1_-_geograph.org.uk_-_1703738.jpg

http://www.rbtoyshop.com/locations-2/mashpee/



https://www.purewow.com/books/best-bookstores-nyc

EXAMPLE

Table 3.2-1
Permitted Use Table

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

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

Zoning Districts

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

EXAMPLE

Table 3.1

Table of Allowed Uses

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

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

EXAMPLE

TABLE 5-1 TABLE OF ALLOWED USES

● = Permitted ◑ = Conditional Use
Blank cell = Not allowed

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

Trends in addressing mixes of uses

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

http://www.hunterscapital.com/the-broadway-building/

Addressing new uses

How did we get here?

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

Why is this a trend?

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

Current Zoning Ordinance Amendments

Approved amendments:

- Restaurants

In-process amendments:

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

Addressing new uses – examples

Housing

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

Addressing new uses – examples

Accessory uses

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

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

Addressing new uses – examples

Entertainment & events

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

https://www.axs.com/the-three-best-bets-for-hassle-free-hookah-bars-in-manhattan-15751

Addressing new uses – examples

Institutional care

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

https://www.groupon.com/biz/lansing/grand-meres-adult-day-health-club

Addressing new uses – examples

Other uses

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

Continuing to focus on neighborhood compatibility

How did we get here?

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

Why is it a trend?

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

Continuing to focus on neighborhood compatibility

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

Next steps

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

Stay involved !

fairfaxcounty.gov/planning-zoning/zmod

Questions
& Discussion

COUNTY OF FAIRFAX 1742 VIRGINIA

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