

# FAIRFAX COUNTY



## ZONING ORDINANCE MODERNIZATION PROJECT

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SUMMARY OF PROPOSED CHANGES TO DEVELOPMENT STANDARDS,  
PARKING, AND SIGNS

OCTOBER 11, 2019

### Introduction

This document summarizes the proposed changes to the Fairfax County Zoning Ordinance included in the attached Development Standards, Parking, and Signs draft. The significant proposed changes are summarized below and more detailed descriptions of the changes can be found in footnotes in the attached draft. This draft was developed over several months through the combined work of Clarion Associates and Fairfax County staff.

### Background

Since early 2018, Clarion Associates has been assisting Fairfax County with the zMOD project. The goals of this project are to modernize the County's Zoning Ordinance, to make the regulations easier for the public, stakeholders, and property owners to understand, and to remove inconsistencies, gaps, and ambiguities that have found their way into the Ordinance over the years. Public outreach meetings have been conducted by Clarion Associates and County staff throughout the process and will continue. Between January and May of 2018, a new structure for the Zoning Ordinance regulations was established, and from September 2018 through May of 2019, updated use regulations in the new format were released in five installments. A [Consolidated Draft of the Fairfax County Use Regulations](#) (new Article 4), dated July 1, 2019, reflects the use changes recommended as a result of this effort, as well as from extensive public and stakeholder review. Beginning in July 2019, work began on the remaining articles of the Zoning Ordinance, with the [Districts](#) draft (new Articles 2 and 3) being posted on August 9, 2019. During the upcoming fall and winter, Clarion and staff will continue to revise the remaining articles of the Zoning Ordinance and will release these drafts in future installments.

### Proposed Changes

This draft includes new Article 5, Development Standards; Article 6, Parking and Loading; and Article 7, Signs. As with the previous drafts, the related definitions are presented in a partial draft of Article 9. These new articles represent a reorganization of content that is currently found in Zoning Ordinance Articles 2, 9, 11, 12, 13, 14, and 20.

The new Article 5, Development Standards, includes sections on the following topics:

- Lot, Bulk, and Open Space Regulations (includes among other topics, setbacks and permitted extensions)
- Affordable Dwelling Unit Program
- Earthborn Vibration Standards
- Water and Sewer Facility Requirements
- Grading, Erosion, Sediment Control, and Drainage
- Floodplain Regulations
- Common Open Space and Improvements
- Private Streets
- Landscaping and Screening
- Outdoor Lighting

The standards have been substantially reformatted and reorganized from the current Ordinance in order to bring together related provisions where possible. New illustrations have been integrated and others will be completed and added with subsequent drafts. In addition, the text has been partially edited for clarity, but the editing process will continue in order to further simplify any overly technical regulatory language.

Most of the current Zoning Ordinance provisions have been carried forward without substantive change, including the affordable dwelling unit program, as well as the sign regulations that were amended in March 2019. However, some topics will be the future focus of substantial Phase II efforts. A few of the more notable edits included in the attached draft are summarized below:

- ❖ **Carport Extension.** The Zoning Ordinance currently allows a carport to extend up to five feet into any minimum side setback provided it is no closer than five feet from the lot line. A carport is defined as not having any enclosure more than 18 inches in height, other than the required supports for its roof and the side of the building to which the carport is attached. Allowing the extension into the minimum setback has resulted in many violations, as homeowners subsequently add storage units to the rear of the carport or enclose the carport as a garage or living space, often without permits. The proposed change to require carports to comply with the same setbacks as the dwelling would only apply to future construction.
- ❖ **Decks.** The standards allowing decks to extend into setbacks have been reorganized into a more user-friendly table. The requirement that an open deck not include any lattice or other enclosure has been revised. The draft proposes to allow: a) a deck that is four feet or less in height to have lattice below the deck; b) a deck of any height to have lattice above the deck on no more than two sides extending from the dwelling, with a maximum height of eight feet from the deck floor; and c) a deck of any height to have modifications such as pergolas, trellises, and overhanging planters. These revisions reflect the types of deck modifications typically desired by homeowners. In addition, the definition for a deck has been revised to delete a patio, and instead, a separate definition for a patio is proposed. While this draft continues to treat patios the same as decks for the purpose of setbacks, the separate definition is intended to facilitate future consideration of establishing different standards.

- ❖ **Setbacks from Interstates and Railroad Tracks.** The Ordinance requires principal buildings to be set back a certain distance (depending on building type) from the rights-of-way of interstate highways, the Dulles Toll Road, and railroads. Because the heading for this provision refers to “abutting” lots, it has only been applied to lots that are touching the right-of-way. The term abutting has not been carried forward in the heading, and this revision will result in a requirement that the specified setback, such as a minimum of 200 feet from railroad tracks, be applied to all lots, not just those directly abutting the right-of-way. The Ordinance includes grandfathering for lots recorded prior to 1978 and allows modifications to be approved by the Board.
- ❖ **Cluster Subdivision Open Space.** Currently, the Ordinance specifies that at least 75 percent of the required open space in cluster subdivisions be provided as a contiguous area with no dimension being less than 50 feet. The minimum 50-foot dimension has been replaced with a requirement that the area be usable open space. Usable open space is defined in the Ordinance to include areas designed for active or passive recreation such as athletic fields and courts, playgrounds, and walking and bicycle trails.
- ❖ **Floodplain Setback.** A clarification has been added to clearly state that the required 15-foot setback from a floodplain applies even if there is a property line between the floodplain and a structure, which is reflective of current practice. Additionally, it has been clarified that the requirement for an 18-inch vertical separation (freeboard) between the lowest part of a structure and the water-surface elevation of the 100-year floodplain applies not only to development within a floodplain, but also on any lot where a floodplain is located or on a lot abutting a floodplain. This clarification is also consistent with the Public Facilities Manual (PFM) and long-standing practice.
- ❖ **Outdoor Lighting.** A clarification has been added for playing fields or courts that are subject to a sports illumination plan to require the defined lighting perimeter area to be located on the subject property. Outdoor lighting is also the subject of a separate ongoing amendment, and revisions that result from that amendment will be incorporated into a subsequent zMOD draft.
- ❖ **Landscaping.** The specification that the landscaping strip between a parking lot and abutting property lines be four feet in width and have trees planted every 50 feet has been replaced with a requirement for the landscaping strip to be planted in accordance with the PFM. The PFM notes that planting areas should be eight feet wide and trees should be no closer than four feet from a restrictive barrier. Also, the transitional screening and barrier matrix has been updated so that the uses correspond to the principal uses in the new Article 4. New uses have been integrated based on current practice or the most similar use.
- ❖ **Parking Rates.** Similarly, the parking rates have been organized into a table and updated to correspond to the principal uses in the new Article 4. New uses have been assigned the currently used rate from Land Development Services’ “Land Use – Parking Rate Table,” previous zoning applications, or the rate for the most similar use. The new **stacked townhouse** use has been added with a rate of 2.3 spaces/unit, which is in between the rate of 1.6 spaces/unit for multifamily and 2.7 spaces/unit for single family attached dwellings. Stacked townhouses have also been added to the parking rates for transit station areas based on the number of bedrooms, consistent with the current interpretation. Parking rates will be revisited as part of a future Zoning Ordinance amendment. Also, the prohibition on counting curb-side pickup as part of the minimum required parking for a carryout restaurant has been deleted based on the characteristics of the use.

## Next Steps

- Clarion Associates will return October 22 – 24, 2019 for another round of public meetings to present the Districts and Development Standards, Parking, and Signs drafts and to answer questions. A public meeting is scheduled for October 22 at 7:00 p.m. at the Fairfax County Government Center (Room 4/5).
- Fairfax County staff members are available to answer questions and receive feedback on all released documents ([DPDzMODComments@fairfaxcounty.gov](mailto:DPDzMODComments@fairfaxcounty.gov)).
- Work will continue throughout 2019 and early 2020 to develop a complete draft of the reorganized Zoning Ordinance, with continued outreach along the way.

## Questions?

If you have questions or comments about any aspect of the zMOD project, please e-mail zMOD staff at [DPDzMODComments@fairfaxcounty.gov](mailto:DPDzMODComments@fairfaxcounty.gov) or visit the project website at <https://www.fairfaxcounty.gov/planning-development/zmod>.

If you would like to receive e-mail updates about the project, please visit that website and click “Add Me to the zMOD E-Mail List.” You may also follow us at <https://www.facebook.com/fairfaxcountyzoning/>