



Zoning Ordinance Modernization Project



Minor Modifications Amendment

Planning Commission Land Use Process Committee
September 14, 2017

Kevin Guinaw, ZED/DPZ
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Minor Modifications Amendment

Outreach and Engagement Since Last Meeting (May 25, 2017)

- Citizen Advisory Group - June 28 and August 10, 2017
- Public Meeting North - July 10, 2017
- Public Meeting South - July 12, 2017
- NVBIA/NAIOP – July 13, 2017
- Land Use Attorneys Advisory Group - July 26 and Aug. 9, 2017
- Zoning Open House - July 26, 2017
- Tysons Partnership - August 24, 2017
- Lee Land Use Committee – September 11, 2017
- PC Land Use Process Review Committee – September 14, 2017

Background

- The proposed amendment adds flexibility to the current Ordinance to allow additional minor changes to rezonings, special exceptions and special permits to be considered and approved without the requirement of a formal zoning amendment application
- These provisions are designed to address final engineering and design issues, or other changes that occur over time
- They do not change the fact that proffers and development conditions are part of the zoning regulations of a property, unless changed by a subsequent zoning action by the Board
- The proposed amendment also streamlines and reformats the text to be more user friendly; eliminates duplicate text and unnecessary verbiage; uses more understandable language

Minor Modifications by the Zoning Administrator

The proposed amendment continues to allow the Zoning Administrator to permit certain administrative changes as “Minor Modifications” provided that they are in substantial conformance with the approval, remain true to the intent of the approved proffers or development conditions, and do not adversely impact the adjacent properties. It would add more staff flexibility to the existing provisions in five areas:

1. Increases in building height up to 10 feet and increases in percentages of rooftop coverage for solar collectors and other innovative energy and environmental technologies
2. Allow reductions in setback dimensions up to 10%
3. Excludes any incidental increase in interior space created by the replacement of a façade material on an existing building from gross floor area
4. Allow changes to color and typeface of signs to be considered as long as the character of sign is not changed
5. Increases the allowable size for minor building additions and simplifies the provisions

Minor Building Additions

Current Provisions		Proposed Provisions	
Places of Worship and Places of Worship with child care centers/schools (“Places of Worship”)	The greater of 500 square feet or 5% of the total approved floor area up to a maximum of 2500 square feet	All Uses up to 250,000 square feet GFA	The greater of 500 square feet or 5% of the approved floor area up to a maximum of 2500 square feet
All Other Uses (50,000 square feet GFA or less)	5% of the approved floor area up to a maximum of 500 square feet		
All Other Uses (more than 50,000 square feet GFA)	1% of the approved floor area		
		All Uses more than 250,000 sq. ft. GFA	1% of the approved floor area

The proposed amendment would simplify the provisions by treating all uses the same. The change would apply the same formula used for Places of Worship to all uses in developments that do not exceed 250,000 square feet.

This change will increase the allowable size of a minor building addition which could be permitted in uses other than Places of Worship, as indicated in the table below, provided that the additions are otherwise in substantial conformance with the approved zoning and would not intensify the use.

Proposed Minor Building Addition Size Allowed (sq. ft.) for All Uses

Development Size	Current Z.O.	Proposed	Change
1500	75	500	+425
5000	250	500	+250
10000	500	500	0
20000	500	1000	+500
30000	500	1500	+1000
40000	500	2000	+1500
50000	500	2500	+2000
60000	600	2500	+1900
100000	1000	2500	+1500
150000	1500	2500	+1000
200000	2000	2500	+500
250000	2500	2500	0
300000	3000	3000	0

For proffered developments exceeding 250,000 square feet, a minor building addition greater than 2500 square feet could be requested under the current Zoning Ordinance; therefore, the current 1% formula is not changed. It is important to note that a minor building addition cannot exceed the maximum density or FAR allowed in the zoning district or by proffered conditions.

The current Zoning Ordinance requires that anyone requesting a minor modification for a minor building addition must send notice to the owners of all property abutting and across the street from the site. The proposed amendment does not change this requirement.

Minor Variations by the Board of Supervisors

The proposed amendment would create a new avenue for the Board to act on certain requests for “Minor Variations” to proffered conditions. (Does not apply to Special Exceptions and Special Permits)
The proposed process would allow the Board to approve a Minor Variation as an Action Item at a Board meeting, based upon the facts and context of the approved zoning, and without a public hearing in the six circumstances outlined below. Public notice to the adjacent property owners would be required.

1. The addition or modification of a use provided the proffered conditions do not preclude such use and the new use would have no greater land use impact than the approved uses
2. A minor increase in building height up to 15% of the approved building height but no greater than 15 feet and no greater than the maximum height of the zoning district
3. Modification to proffered yard dimensions and setbacks
4. Modification or deletion of community/HOA active or passive recreation fuses
5. Modification of proffer commitments to technologies or services that are underutilized, have become ineffective or obsolete
6. Modify architectural design features, building materials and signs

Notes

- Anyone requesting a minor variation to a proffered condition by the Board of Supervisors must send notice to the surrounding property owners in accordance with Virginia Code Section 15.2-2204(B). This is the same notification that would be required for a proffered condition amendment public hearing.
- Approval of a request for a minor modification or a minor variation is not a matter of right. County staff will evaluate each request on its merits based upon the approved zoning, the proffers or development conditions, and the provisions of the Zoning Ordinance, in making a substantial conformance determination on a minor modification or making a recommendation to the Board on a minor variation. As is current practice for interpretations, the review of each request will be coordinated with the respective Board Member and Planning Commissioner.

Schedule - Minor Modification Amendment

- BOS Development Process Committee September 19, 2017
- BOS Authorization September 26, 2017
- Planning Commission Public Hearing October 26, 2017
- BOS Public Hearing November 21, 2017

