



County of Fairfax, Virginia

MEMORANDUM

DATE: July 15, 2020

TO: Board of Supervisors

FROM: Leslie B. Johnson
Zoning Administrator

SUBJECT: **Proposed 2020 Zoning Ordinance Amendment Work Program (ZOAWP)**
Land Use Policy Committee
July 21, 2020 at 2:30 p.m.

This memorandum presents the new 2020 ZOAWP which establishes priorities and timing for the next 24 months and highlights the accomplishments made since June 2019.

Introduction

The Land Use Policy Committee (LUPC) is meeting on July 21, 2020 to review and comment on the 2020 ZOAWP. This work program begins a new two-year work program cycle for FY 2021 and 2022. In July 2018, the Committee, previously known as the Development Process Committee, approved the ZOAWP for a two-year cycle. A status update was provided in June 2019 to consider any possible adjustments and establish timing/priorities for FY 2020. The 2020 ZOAWP includes carry over items from the previous work program and new topic areas that were identified after the Board's endorsement of the 2019 ZOAWP status update. The LUPC review of the proposed 2020 Work Program is intended to ensure that the Board's priorities continue to be accurately reflected in the work of the Zoning Administration Division.

The following documents are attached to facilitate the discussion of the proposed 2020 ZOAWP:

- Attachment 1 – 2019 ZOAWP Status Update
- Attachment 2 – Proposed 2020 ZOAWP
- Attachment 3 – Priority 2 Work Program Amendments

The ZOAWP, includes requested changes to the Zoning Ordinance, which originate from a variety of sources, including the Board of Supervisors (Board), the Planning Commission, the Board of Zoning Appeals (BZA), residents, industry representatives, and staff. Since 2017, the ZOAWP has reflected the zMOD initiatives that are ongoing as part of the County's efforts to modernize the Zoning Ordinance. In the 2020 ZOAWP, the zMOD project is now identified



Proposed 2020 Zoning Ordinance Amendment Work Program

July 15, 2020

Page 2

as a single topic area with no individual sub-topics listed. The previous sub-topics listed under zMOD are reflected in the newly posted consolidated draft and do not need to be carried forward as individual topic areas, with the exception of Signs, Part 2. This initiative has been separately listed as its own topic in the 2020 ZOAWP.

2019 ZOAWP Accomplishments (Attachment 1)

The 2019 Work Program included a total of 13 amendment initiatives. A number of these initiatives are broken down into more specific sub-topics. Since July 2019, 13 or 38% of the individual amendment topics have been adopted; 15 or 44% are currently in progress, with a number of these items included as part of the zMOD effort, and 6 or 18% have not been started. Highlighted below are some of the more significant topic areas that have been completed or are currently in progress.

Completed:

- ✓ **Agricultural Districts and Uses:** The Board established a new temporary special permit use and standards for development of community gardens in residential and other districts; revised the standards for Farm Markets to allow year round operation and value-added products to be sold, and revised the temporary special permit standards to allow permits for a two-year period; and permitted gardening in the front yard on residential lots subject to location and size limitations.
- ✓ **Editorial and Minor Revisions:** This topic area included changing references to reflect the new Department of Planning and Development name change; clarifying what can be sold at yard sales; revising definitions of lot line and lot width measurements to reflect current practices; edits regarding BZA decisions; and adding solar panels as a permitted accessory structure which enabled the County to obtain the SolSmart Community Designation.
- ✓ **Fairfax Green Initiatives:** While completed as part of the editorial and minor revisions amendment, the SolSmart Community Designation was also a Fairfax Green Initiative.
- ✓ **Land Development Services Initiatives:** The Board adopted regulations related to dam inundation zones per State Code requirements.
- ✓ **Outdoor Lighting:** The Board adopted long awaited revisions to the glare standards which added a new correlated color temperature standard; updated the applicability provisions; modified the definition of lumen; revised the standards for exemptions for single family dwellings and motion-activated lighting; and updated the standards for sports illumination plans.
- ✓ **Regional Mall Parking Rates:** In February 2019 the Board directed staff to review and analyze the parking rates for regional malls in excess of 800,000 square feet of gross floor area to determine an appropriate minimum parking requirement for shopping centers of this size given the changing nature of retail. Staff was able to expedite this amendment and partner with one of the zMOD's sub-consultants, Nelson/Nygaard to prepare an analysis and conduct a study of parking characteristics at Fair Oaks Mall and Springfield Mall. In December 2019, the Board adopted a reduction in the parking rates from the current requirement of 4.0 spaces per 1,000 square feet of gfa to 2.5 spaces per

Proposed 2020 Zoning Ordinance Amendment Work Program

July 15, 2020

Page 3

1,000 square feet of gfa for regional malls. As a follow on motion, the Board requested that as part of the comprehensive review of all parking rates and other requirements contemplated as part of Phase II of zMOD, to specifically look at rates for shopping centers and other retail uses, given the changing nature of retail. This topic has been added to the 2020 ZOAWP.

In Progress:

- ✓ zMOD Initiatives: The zMOD project reached a major milestone with the posting of the [consolidated draft](#) of the proposed new modernized Ordinance on June 30, 2019. Of the four sub-topics listed under this initiative (see Attachment 1), all but Signs Part 2 have been incorporated and addressed in the posted consolidated draft. The hallmark of the zMOD project is the creation of new use classifications and use categories with related use standards to accommodate emerging trends and the re-formatting and restructuring of the remaining Zoning Ordinance provisions to create a streamlined, user-friendly document that is usable on multiple electronic platforms. New standards have been added to address accessory structure size and accessory living units (new proposed name for accessory dwelling units) and the PDH District regulations have been updated to address issues related to yards, uses, processes, and issues impacting homeowners, particularly related to small-scale PDH developments. Signs Part 2 has been carried over to the 2020 ZOAWP.
- ✓ Agritourism: Staff presented this topic to the LUPC in February 2020 with an outline of proposed changes including modifying the current definition of agriculture and adding a new definition for agritourism that aligns with state code provisions; and establishing new use standards for permitted agritourism activities, including seasonal festivals and events. Several community outreach meetings were held prior to the Covid 19 suspension of in-person gatherings. Based on initial feedback received, staff has recently modified the proposal to address issues raised by the LUPC and the community. Staff will be posting the revised proposal to our Pending Zoning Ordinance Amendments webpage and is scheduled to present the revised proposal at two upcoming virtual land use committee meetings in the Sully and Hunter Mill Districts. Staff had previously proposed to include a new special exception use for a Country Inn as part of this amendment. After completing a portion of the outreach, staff determined that the proposed use needs additional research and evaluation to ensure that it would be compatible with the proposed residential districts where the use would be allowed. Therefore this topic has been added to the 2020 Work Program and will not be included as part of the agritourism amendment. Staff will continue its outreach on agritourism.
- ✓ Hollin Hills Historic Overlay District: Staff has been working with the Heritage Resources Branch of DPD on the creation of the Hollin Hills Historic Overlay District (HOD). DPD has conducted considerable outreach on this topic with the Hollin Hills community and the Architectural Review Board and has engaged a consultant to develop design guidelines for the proposed HOD.
- ✓ Short Term Lodging Status Update: Recently, the Fairfax County Circuit Court upheld the validity of the County's Short-Term Lodging Ordinance which was adopted in July 2018 and became effective in October 2018. In accordance with the follow-on motion adopted with the amendment, staff is preparing a status update that will include

Proposed 2020 Zoning Ordinance Amendment Work Program

July 15, 2020

Page 4

information on the Short-Term Lodging permit program, transient occupancy payments, enforcement issues, industry trends, and a discussion of possible future actions for the Board's consideration. The status update is anticipated to be provided to the Board in early September and posted to the Short-Term Lodging web page.

Proposed 2020 ZOAWP (Attachment 2)

Attachment 2 provides a summary of the amendment topic areas proposed to be evaluated during FY 2021 and 2022. The origin of the proposed amendment topic is listed in parenthesis at the end of the topic description. This ZOAWP begins a new two-year cycle of amendments and includes 14 topic areas, some of which have been carried over from the 2019 Work Program, and includes a number of new initiatives which are highlighted below. The two-year cycle recognizes that Zoning Ordinance changes often require more than one year to complete, including significant research and community outreach which must occur before public hearings are even scheduled. The timing for each amendment topic is based on a 12-month timeframe and will be reviewed by the Board each year to adjust priorities. First Tier topics are anticipated to be brought forward either for discussion at an upcoming LUPC meeting, or for authorization to advertise public hearings within the first half of FY 2021. Second Tier topics are scheduled to be similarly considered during the second half of FY 2021. Pending are those items that have been authorized as of the preparation of the Work Program but have not been completed. TBD topics are those that do not have a specific timeframe or are anticipated to extend beyond FY 2021.

Carry over topics from the 2019 ZOAWP include Agritourism Uses (#3), Application Fees (#4), Fairfax Green Initiatives (#7), Historic Overlay Districts (#8), Land Development Services Initiatives (#9), Short Term Lodging (#11), Sign Ordinance Part 2 (#12), State Code Changes (#13), and the zMOD Ordinance (#14). Many of the sub-topics under these initiatives are first tier items; however, several of these topics also include **new** initiatives, which are listed below:

- Topic#4 – Application Fees includes restructuring of how fees are presented as part of zMOD (first tier), consideration of a cost of living adjustment for all application fees and consideration of a possible increase in the current \$1,900 P-District recreational fee required for all residential P-District development. The latter two are both second tier items.
- Topic#8 – Historic Overlay Districts adds consideration of establishment of the Holmes Run Acres HOD with associated guidelines. The timing is TBD as staff resources are currently being allocated to the Hollin Hills HOD effort.
- Topic#9 – Land Development Services Initiatives includes a new item to relocate the duties for the Geotechnical Review Board and the Tree Commission from the Zoning Ordinance to other Chapters of the County Code. This is a first tier item in conjunction with zMOD.

Other **New** amendment topics added to the 2020 Work Program include the following:

- ✓ Adult Day Care Centers (Topic#1): This item revisits the 2018 Amendment which established adult day care centers as a special exception use in all zoning districts (previously deemed most similar to child care centers and allowed by right in certain

Proposed 2020 Zoning Ordinance Amendment Work Program

July 15, 2020

Page 5

industrial and commercial districts). Per Board request (January 28, 2020) staff was asked to review the existing regulations for adult day care centers and align the use standards and permissions with the current requirements for child care to include restoring adult day care centers as a by right use in the industrial districts. The amendment would also revise the definition to clarify that regardless of whether the facility is licensed by the Virginia Department of Social Services (VDSS) or the Virginia Department of Behavioral Health and Development Services (VDBHDS), an adult day care center is a facility where four or more adults who are aged, infirm, or have intellectual or developmental disabilities receive supportive services, health monitoring, protection, and supervision on a regular basis during part of a 24-hour day. The amendment also adds a use standard that requires review by the Health Care Advisory Board (HCAB) prior to issuance of a Non-Residential Use Permit (Non-RUP). Staff has met with the HCAB and is continuing outreach with other stakeholders, including the Commission on Aging, the Long Term Care Coordinating Council, and adult day care service providers. Staff will continue to work with stakeholders to address outstanding issues.

- ✓ Affordable Housing Initiatives (Topic#2): This topic is a placeholder for possible zoning changes to support new affordable housing initiatives and land use policies that have been or will be identified. Topic#7 from the 2019 ZOAWP, Older Adult Accommodations and Services, including congregate care uses has been placed under this **new** initiative.
- ✓ Country Inn (Topic#5): As previously discussed under Agritourism, this topic has been added as a separate item to allow for additional research and evaluation on appropriate acreage requirements and use standards. Timing is TBD and any revised proposal will require extensive outreach before bringing to the Board for consideration.
- ✓ Outdoor Lighting AKA Dark Skies (Topic#6): This item is from a follow-on motion made by the Board in conjunction with the 2020 adoption of revisions to the outdoor lighting provisions. The Board directed staff to consider establishing new provisions to protect dark skies around astronomical facilities – Turner Observatory.
- ✓ Parking Rates (Topic#10): This topic was identified as a priority Phase II zMOD amendment and includes a comprehensive review and evaluation of minimum parking requirements for all uses, with particular emphasis on shopping centers and other retail uses as well as parking requirements for mixed use projects. This amendment requires the use of consultant services and staff is working on a project scope for procurement of these services under the existing zMOD contract. It is anticipated that consultant work could begin early in 2021.

Finally, Fairfax Green Initiatives (Topic#7), Commercially Operated Short-Term Lodging (Topic#11B), Sign Ordinance Part 2 (Topic#12) and State Code Changes (Topic#13) are listed as TBD in terms of timing, awaiting future prioritization.

Priority 2 Work Program Update (Attachment 3)

The Priority 2 Work Program includes those amendments that are not proposed to be added to the current ZOAWP but have been retained for future priority consideration. The Priority 2 list serves as a parking lot of potential changes recommended by various Boards, Commissions

Proposed 2020 Zoning Ordinance Amendment Work Program

July 15, 2020

Page 6

and Authorities, as well as staff, citizen and industry stakeholders. The Laurel Hill Historic Overlay District (HOD), Topic#5A on the 2019 ZOAWP, has been moved to the Priority 2 list pending completion of the Hollin Hills HOD and availability of additional staff resources. Further, as part of the zMOD project staff specifically reviewed the topics on this list as the project moved forward. As a result, many of these Priority 2 amendments have been considered and addressed in conjunction with the zMOD Consolidated Draft Ordinance and are highlighted with a ✓ in the zMOD column. It is anticipated that once the new modernized Zoning Ordinance is adopted, the Priority 2 list will again be reviewed to determine if any of the remaining items should be carried forward.

Conclusion and Recommendations

The joint initiatives of this new two-year 2020 ZOAWP and zMOD project continue to propose an ambitious agenda that will bring the County a modernized zoning ordinance that will be an excellent foundation for the future needs of the County. It will be an Ordinance written in plain language that includes tables and hyperlinks for ease of navigation, that is available on multiple online platforms and that provides an agile document that can be amended as new issues are identified. Our outreach has improved considerably since the initiation of the zMOD project and we will continue to evolve to meet new challenges, such as the Covid 19 pandemic.

Staff will present the ZOAWP at the Committee meeting on July 21, 2020 to provide a brief overview and answer questions. The Planning Commission will be reviewing the 2020 Work Program at its Land Use Process Review Committee on Thursday, July 23, 2020 along with an overview of the zMOD consolidated draft. After review by the Board's LUPC and the Planning Commission's LUPRC, the ZOAWP will be brought forward to the Board for endorsement of the 2020 Work Program by the Board. Once endorsed, staff will update the ZOAWP webpage, will include the topic in upcoming outreach meetings, and will distribute the ZOAWP to all Listserv subscribers.

If you have any questions, please feel free to call me at 703-324-1223.

cc: Planning Commission
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2019 ZONING ORDINANCE AMENDMENT WORK PROGRAM STATUS UPDATE JULY 2020

# ¹	Amendment Topic	Origin	Target Timeframe in Approved WP ²	July 1, 2020 Status
1	Agricultural Districts and Uses A. Community Gardens B. Farm Markets/Other Sales C. Residential Gardening as Accessory D. Agritourism Uses	2016 ZOAWP	A. Pending B. Pending C. Pending D. First	A. – C. Completed D. In progress – outreach ongoing
2	Application Fees A. zMOD Reformat B. Cost of Living Adjustment	2016 ZOAWP	zMOD – Reformat Second	A. In progress B. Not started
3	Editorial and Minor Revisions A. Lot Line and Lot Width B. Yard Sales C. BZA Decisions D. Department Name Change E. Inspections F. SolSmart Community Designation G. Nonconformities	2017 ZOAWP and NEW	Pending, First, and Carryover	A. – F. Completed G. In progress (as part of zMOD)
4	Fairfax Green Initiatives	2019 ZOAWP	TBD	<ul style="list-style-type: none"> • Added solar panels as accessory use – Completed with #3F • Electric vehicle charging – In progress (zMOD) • Other initiatives TBD
5	Historic Overlay Districts A. Laurel Hill B. Hollin Hills	2018 ZOAWP and NEW	A. TBD B. Second	A. Moved to Priority 2 #33A B. In progress
6	Land Development Services Initiatives A. PFM Flex Project B. Dam Inundation Zones	2018 ZOAWP and NEW	A. First B. First	A. In progress B. Completed
7	Older Adult Accommodations and Services and other Congregate Care Uses	2016-17 ZOAWP, 50+ Action Plan	TBD	Not started – to be consolidated under Affordable Housing Initiatives in 2020 ZOAWP
8	Outdoor Lighting	2016 ZOAWP	First	Completed
9	Regional Mall Parking Rates	NEW	First	Completed
10	Short-Term Lodging A. Homeowner/Renter Operated Status Update B. Commercially Operated	2017 ZOAWP and NEW	A. Second B. Second	A. In progress – Status Update will be submitted to Board in Sept. 2020 B. Not started
11	2019 State Code Changes – As needed	NEW	TBD	None required

¹ Number shown on approved 2019 Work Program

² First = intent to seek Board discussion or authorization in first half of fiscal year; Second = intent to seek Board discussion or authorization in second half of fiscal year; Pending = authorized and public hearings are scheduled

**2019 ZONING ORDINANCE AMENDMENT WORK PROGRAM
STATUS UPDATE JULY 2020**

# ¹	Amendment Topic	Origin	Target Timeframe in Approved WP ²	July 1, 2020 Status
12	Wireless Facilities A. Delete Wireless Tower and Base Stations B. Clarify Modification Provisions C. Delete or Amend Applicable Fees D. Other Minor or Editorial Changes	2019 ZOAWP	A. First B. First C. First D. First	In progress (zMOD)
13	zMOD Initiatives A. Use Categories (1) Classifications and related standards (2) Accessory structures (3) Accessory dwelling units B. Re-Format/Restructure provisions C. PDH District Regulations D. Sign Ordinance Part 2	2016 zMOD Project	A(1). First A(2). First A(3). First B. Second C. TBD D. TBD	A., B., C. In progress D. Not started

2020 ZONING ORDINANCE AMENDMENT WORK PROGRAM

Below are the amendments proposed to be evaluated as part of the 2020 Zoning Ordinance Amendment Work Program (ZOAWP). This ZOAWP begins a new two-year cycle that will carry over into FY 2022. It is recognized that Zoning Ordinance amendments often require more than one year to complete, including research and community outreach. The status of the ZOAWP will be reviewed annually to ensure that the ZOAWP continues to reflect the Board's priorities. The origin of the amendment topic is noted in (parenthesis) below.

Timing for consideration is identified as:

- First Tier – Amendments anticipated to be brought forward for discussion at a Board committee meeting or for authorization within the first six months of the Fiscal Year 2021;
- Second Tier – Amendments to be considered in the second half of the fiscal year;
- Pending – Amendments that have been authorized as of the date of preparation of this Work Program and are proceeding through the public hearing process; and
- TBD – Topics that do not have a specific timeframe or are anticipated to extend into FY 2022.

1. **Adult Day Care Centers (NEW)** – Review the regulations for adult day care centers and develop an approach to appropriately align adult day care center requirements with the current requirements for child care centers to include restoring adult day care centers as a by-right use in Industrial Districts; evaluate the requirement to provide outdoor recreation space; and maintain a mechanism that will allow the Health Care Advisory Board (HCAB) to review the adult day care centers before the center becomes operational. (Board) **(First Tier)**
2. **Affordable Housing Initiatives (NEW)** – Consider zoning changes to support new affordable housing initiatives and land use policies, including changes identified by the 50+ Plan for older adults. (Board/Staff and Carry over from 2018 Initiative 8C) **(TBD)**
3. **Agritourism Uses** – Define and establish use limitations for agritourism uses based on State Code provisions. (Carry over from 2018 Initiative 2) **(First Tier)**
4. **Application Fees**
 - A. zMOD – Restructure, revise for consistency with other zMOD revisions, and other limited changes. (Carry over from 2018 zMOD Initiatives) **(First Tier)**
 - B. Cost of living – Consider an overall cost of living increase in accordance with the Construction Cost Index and other adjustments. (Carry over from 2018 Initiative 3) **(Second Tier)**
 - C. Planned District recreational facilities **(NEW)** – Consider increasing the minimum expenditure per dwelling unit for recreational facilities required in the PDH, PDC, PRM and PTC Districts (Board direction for biennial review) **(Second Tier)**
5. **Country Inn (NEW)** – Consider establishing Country Inn as a new special exception use in the R-C, R-E, and R-1 Districts with appropriate acreage and standards. Separated from Agritourism. (Staff) **(TBD)**

6. **Outdoor Lighting (NEW)** – Consider additional zoning provisions to protect dark skies around astronomical facilities. (Board) **(TBD)**
7. **Fairfax Green Initiatives** – Consider zoning changes that would incentivize and support more environmentally sustainable development. (Carry over from 2019 Initiative 4) **(TBD)**
8. **Historic Overlay Districts**
 - A. Hollin Hills Subdivision – Establish a Hollin Hills Historic Overlay District with associated design guidelines to preserve and protect its unique architecture, site design and status on the National Register of Historic Places. (Carry over from 2019 Initiative 5) **(First Tier)**
 - B. Holmes Run Acres **(NEW)** – Establish a Holmes Run Acres Historic Overlay District with associated design guidelines. (Board) **(TBD)**
9. **Land Development Services Initiatives**
 - A. PFM Flex Project – Changes related to the update of the Public Facilities Manual. (Carryover from 2018 Initiative 5) **(TBD)**
 - B. Tree Commission and GRB **(NEW/from zMOD Initiatives)** – Relocation of the duties of the Tree Commission and Geotechnical Review Board from the Zoning Ordinance to other chapters of the County Code. **(First Tier)**
10. **Parking Rates (NEW/from zMOD Initiatives)** – With consultant services, conduct a comprehensive review and evaluation of parking rates, with particular attention to rates for shopping centers and other retail uses; use of on-street parking, and other parking issues.. **(Second Tier)**
11. **Short-Term Lodging**
 - A. Homeowner/Renter Operated in Dwellings – Provide a status update on the Short-Term Lodging permit program which became effective October 1, 2018. (Carry over from 2019 Initiative 10A) **(First Tier)**
 - B. Commercially Operated – Consider changes that would permit new multifamily dwelling unit developments to provide units on a short-term basis for a limited percentage of the units and over a limited period of time during lease-up period; consider allowing multifamily buildings to offer a small percentage of the total unit count as short term rentals that are commercially managed. (Carry over from 2018 Initiative 12B) **(TBD)**

12. **Sign Ordinance, Part 2** – Review processes and standards for Comprehensive Sign Plans for mixed use or P-Districts and Special Exception for increase in sign area for conventional districts, with emphasis on providing design, size and location flexibility; and a review of other sign related provisions. (Carry over from 2018 zMOD Initiative 4) **(TBD)**
13. **State Code Changes** – This item is an annual Work Program entry that will address any changes to the Code of Virginia that necessitate a change to the Zoning Ordinance. **(TBD)**
14. **zMOD Ordinance** – Modernize the Zoning Ordinance, including reformatting, editing for readability, revising land uses to accommodate emerging trends, and other revisions. (Carry over from 2018 zMOD Initiatives) **(First Tier)**

2020 ZONING ORDINANCE AMENDMENT WORK PROGRAM PRIORITY 2

The Following Abbreviations are used in this document:

ARB - Architectural Review Board	EIP - Environmental Improvement Program
BOS - Board of Supervisors	EAC - Fairfax County Economic Advisory Commission
BZA -Board of Zoning Appeals	HCAB - Fairfax County Health Care Advisory Board
BPR - Business Process Redesign	PC - Planning Commission
DPWES - Department of Public Works and Environmental Services	

* Items to be reviewed as part of the zMOD process

TOPIC	SOURCE	zMOD*
<u>ACCESSORY USES, ACCESSORY SERVICE USES AND HOME OCCUPATIONS</u>		
1. Comprehensive review of accessory uses and structures, to include consideration of issues such as:	BOS/PC/BZA/ Staff/Industry	
A. The establishment of a maximum height limitation.	BOS/PC/BZA/ Staff/Industry	✓
B. Revisions to the location regulations for uses/structures accessory to residential, commercial and industrial uses.	BOS/PC/BZA/ Staff/Industry	✓
C. Establishment of a side yard requirement for accessory structures in the PRC District.	BOS/PC/BZA/ Staff/Industry	
D. Consider revising the height of accessory structures and accessory storage structures that can be located anywhere in the rear or side yards to be the same.	BOS/PC/BZA/ Staff/Industry	✓
E. Modify the accessory structure location provisions to require a freestanding wind turbine structure to be setback a distance of its height from all property lines.	BOS	
F. Review the accessory use limitations to determine whether they adequately address the placement of commercial portable storage containers in commercial districts.	BOS	
G. Review the allowable placement of roll-off debris containers-dumpsters in residential districts during home improvement projects.	BOS	
H. Consider requiring the issuance of fence permits for either all fences or fences that are over a certain height.	Citizen	
I. Consider limiting fence height requirements to four feet when a front yard of a pipestem lot abuts a rear or side yard on a lot contiguous to a pipestem driveway.	Citizen	
J. Consider establishing a minimum distance a fence can be located from a pipestem driveway.	Citizen	

TOPIC	SOURCE	zMOD*
K. Consider permitting electric fences on lots less than 2 acres as a deer management tool.	Citizen	
L. Consider allowing a Barbering/Beauty Salon as a “by-right” home occupation, rather than a Group 9 Special Permit and/or expand residential districts that permit such use.	Citizen	✓
2. Consider revisions to the accessory service use provisions to include:		✓
A. A clearer distinction between accessory service uses and accessory uses.	BZA/PC	✓
B. The appropriateness of whether office buildings in the retail commercial districts should be allowed to have a small deli as a by right accessory service use instead of requiring special exception approval.	BZA/PC	✓
3. Consider revising the home occupation provisions to allow a small amount of storage of stock in trade for a home business conducted via the internet or sales outside of the dwelling unit.	Citizen	✓
<u>ADMINISTRATION</u>		
4. Consider allowing the Board of Supervisors, Planning Commission and Board of Zoning Appeals to set the day or days to which any public hearing shall be continued due to inclement weather or other conditions without further advertisement or posting of the property.	Staff/General Assembly	✓
5. Consider revising the cluster provisions to delete the bonus density option.	General Assembly	
6. Consider allowing for administrative approval for an error in building height (similar to error in building location) for small modifications to building height for new construction.	Industry Representative/ BZA	
<u>BOARDS, COMMISSIONS, COMMITTEES</u>		
7. Review Par. 7 of Sect. 19-101 to clarify that the Planning Commission has the authority to make recommendations on variance applications to the Board of Zoning Appeals.	Staff	✓
8. Consider changing the ARB review and recommendations for site plans, subdivision plats and grading plans to review and approval.	ARB	
<u>COMMERCIAL ZONING DISTRICTS</u>		
9. Consider allowing veterinary clinics in the C-3 and C-4 Districts with use limitations or as a special exception use	Staff	✓
<u>DEFINITIONS AND USE LIMITATIONS</u>		
10. Review the following definitions:	Staff/BZA	✓

TOPIC	SOURCE	zMOD*
A. Contractors' offices and shops	Staff/BZA	✓
B. Junk yard	Staff/BZA	✓
C. Private schools	Staff/BZA	✓
D. Service Station and Service Station/Mini-Mart	Staff	✓
E. Storage yard	Staff/BZA	✓
F. Streets	Staff/BZA	✓
11. Consider adding the following definitions		
A. Establishment for production, processing, etc.	Staff/BPR/BZ A	✓
B. Place of worship	Staff/BPR/BZ A	✓
C. Storage	Staff/BPR/BZ A	✓
D. Off-leash dog parks	Citizen	✓
12. Consider excluding patios from the deck definition in order to facilitate the placement of patios in side yards.	Staff	✓
13. Consider allowing the use of pervious pavers in more parking situations in order to reduce the amount of impervious surfaces and stormwater runoff.	BOS /DPWES	✓
14. Consider revising the contractors' office and shops definition to clarify that the use includes establishments used by paving and road contractors and by facilities that install water and sewer pipes.	BZA	✓
15. Consider allowing electric vehicle charging stations as an accessory use with certain limitations in commercial and industrial districts or as a special exception use if use limitations are not met.	Staff	✓
16. Review the definition of gross floor as to how it is calculated outside of the PDC, PRM and PTC Districts.	Staff	
<u>GENERAL REGULATIONS</u>		
17. District Regulation Interpretations – Consider allowing the transfer of allowable density or gross floor area from parcels located within an identified sending area to parcels located within an identified receiving area.	BOS	
18. Exempt floor area used for a public use from the density calculations on a property	Economic Success Plan	

TOPIC	SOURCE	zMOD*
19. Qualifying Lot and Yard Regulations – Consider the following:		
A. Allow approval of modifications to the setback requirements from railroads and interstate highways in conjunction with review and approval of SP/SE uses.	BPR	✓
B. Review pipestem lot and yard requirements, to include possible addition of illustrations.	BPR	✓
C. Revise provisions of lots contiguous to pipestem driveways to remove the language “serving more than one pipestem lot.”	Citizen	
D. Review the existing provisions which allow uncovered stairs and stoops to encroach into minimum required yards.	Staff	
E. Allow certain lattice screening walls and/or limited trellis-like features on decks for single family dwellings without requiring such features to meet the minimum required yards of the district in which located	Staff	✓
F. Consider requiring greater setbacks for proposed construction in areas influenced by tidal flooding.	BOS’s Environmental Committee	
G. Consider revisions to the lot and yard definitions; consider whether front yards should be required from unimproved dedicated rights-of-way.	Infill Study	
H. In order to address compatibility issues associated with new residential development in existing residential areas, review methods, such as lot coverage and square footage maximums.	BOS	
I. Consider revising the yard designation and minimum setback requirements for single family corner lots.	Citizen	✓
20. Qualifying Use and Structure Regulations - Consider the following:		
A. Consider revising the maximum number of horses that may be maintained on a lot.	No. Va. Soil & Water Conservation District	
B. Consider allowing chickens to be permitted on lots less than two acres in size in certain situations.	Citizen	
<u>HOUSING</u>		
21. Consider the following revisions to the Affordable Dwelling Unit (ADU) program:		
A. Allow units that are acquired by the Fairfax County Redevelopment and Housing Authority (FCRHA) and are part of any FCRHA affordable housing program to be considered equivalent.	Staff	

TOPIC	SOURCE	zMOD*
B. Clarify Par. 2B of Sect. 2-812 to indicate that resales can be sold to nonprofits pursuant to the guidelines for new units.	Staff	
C. Increase the closing cost allowance from 1.5% of the sales price to either the actual closing costs or up to 3%, whichever is less.	Staff	
D. For resales, allow 3% of closing costs to be part of the sales price so that applicants can apply for closing costs assistance.	Staff	
E. Establish a for-sale ADU pricing schedule to include the renovation and/or preservation of existing units and condominium conversions.	Staff	
F. Consider requiring an ADU bedroom mix of 50% one-bedroom units and 50% two-bedroom units for independent living facilities.	Staff	
G. Determine whether inheritance laws affect the retention of an ADU within the ADU Program in the event of the death of an ADU owner, and if so, whether an amendment is necessary. Study the implications of allowing ADUs and/or workforce housing in certain commercial and/or industrial districts, subject to specific standards or by special exception.	Staff	
H. Study the implications of allowing ADUs and/or workforce housing in certain commercial and/or industrial districts, subject to specific standards or by special exception.	Staff	
I. Review the ADU program exemptions set forth in Sections 2-803 and 2-804 that exclude certain types of developments from the ADU requirements.	Fair Housing Action Plan 2016-2020	
J. Evaluate the definitions of Affordable Housing and Affordable Dwelling Unit Development in Article 20 to determine whether current income thresholds are appropriate or if they should be aligned with the definitions used by Housing and Urban Development (HUD).	Fair Housing Action Plan 2016-2020	
22. Other Housing Policies		
A. Review the Board of Supervisors' accessory dwelling unit policy in Appendix 5 to determine whether updates are necessary.	Staff	✓
B. Consider increasing the number of persons with disabilities permitted in a group residential facility from 8 to 12; consider use of a special permit process or other type of reasonable accommodation process to permit more than 12 people with disabilities in a community residence and decrease application fees associated with these type of applications.	Fair Housing Action Plan 2016-2020	
23. Residential Studios – Establish a new use and associated use limitations for an affordable housing product generally designed for one person per unit.	Board	
<u>INDUSTRIAL ZONING DISTRICTS</u>		
24. Revise use limitations in I-5 District regarding outdoor storage of trucks and equipment.	BOS	✓

TOPIC	SOURCE	zMOD*
25. Clarify use limitations in the I-5 and I-6 Districts which allow vehicle light service establishments by right. Also consider allowing this use by right in other C and I Districts.	BPR	✓
26. Consider allowing private clubs and public benefit associations in the industrial district by right and subject to use limitations.	Staff	✓
27. Consider limitations on the size of a food and beverage production facility in the I-4 District.	BOS	
<u>LANDSCAPING & SCREENING</u>		
28. Comprehensive review of landscaping and screening provisions to include:		
A. Appropriateness of modification provisions.	BPR/Staff/ Industry	
B. Address issue of requirements when property abuts open space, parkland, including major trails such as the W&OD and public schools.	Staff/EIP	
C. Increase the parking lot landscaping requirements.	Tree Action Plan/EIP	
D. Include street tree preservation and planting requirements.	Tree Action Plan	
E. Consider requiring the use of native trees and shrubs to meet the landscaping requirements for developments along Richmond Highway.	BOS	
29. Evaluate opportunities to include provisions that support and promote sustainable principles in site development and redevelopment, including the application of better site design, Low Impact Development (LIDs) and natural landscaping practices.	Tree Action Plan	
<u>NONCONFORMITIES – ARTICLE 15</u>		
30. Comprehensive review and study, to include addition of provisions to address situations resulting from condemnation of right of way by public agencies.	Staff/BPR	✓ shown in strike- through
<u>OPEN SPACE</u>		
31. Review of the open space provisions to include:		
A. Consider the establishment of minimum sizes/dimensions for required open space areas.	Infill Study/EIP/ Staff	
B. Exempt either all or part of stormwater management dry pond facilities from the open space calculations.	Infill Study/EIP/ Staff	

TOPIC	SOURCE	zMOD*
C. Provide open space credit for innovative BMPs but not for non-innovative BMPs	Infill Study/EIP/Staff	
D. Allow open space credit only for usable open space.	Infill Study/EIP/Staff	
E. Develop a consistent approach to open space as it relates to various existing and proposed elements of the Comprehensive Plan.	Infill Study/EIP/Staff	
F. Review the general open space provisions to clarify that open space is only intended for land that is dedicated or conveyed without monetary compensation.	Infill Study/EIP/Staff	
<u>OVERLAY DISTRICTS</u>		
32. Airport Protection Overlay District - Establish an Airport Protection Zoning Overlay District for Dulles International Airport, Ronald Reagan National Airport and Davison Airfield	BOS	
33. Historic Overlay Districts - Consider the following revisions to the Historic Overlay Districts:		
A. Laurel Hill – Establish Historic Overlay District as anticipated by the 2001 Memorandum of Agreement (MOA) between Fairfax County and the federal government for the former Lorton Correctional Complex.	BOS/Staff	
B. Requiring all demolition permits for structures listed on the County Inventory of Historic Places to be reviewed by the History Commission prior to the issuance of the permit.	History Commission	
C. Establish an historic overlay district for Mason Neck.	BOS	
<u>PARKING REQUIREMENTS</u>		
<i>(NOTE: Some items may be considered as part of a future phase of the zMOD project.)</i>		
34. Study parking requirements for:	BOS /Staff	
A. Funeral homes		
B. Places of worship		
C. Child care centers and nursery schools		
35. Consider reducing the minimum required parking requirement for all retail and retail mixed projects and not only those projects that are located near mass transit.	Industry	
36. Consider the following revisions to vehicle parking on lots with single family detached dwellings:		

TOPIC	SOURCE	zMOD*
A. Limit the amount of pavement for driveways and parking in the R-5 and R-8 Districts.	Citizen	
B. Limit parking for all vehicles or trailers to the front yard and only on a paved surface.	Citizen	
37. Regulate the maximum size of personal vehicles that are permitted to park in a residential district.	Citizen	
38. Consider establishment of a bicycle parking requirement and for pathway connections between rights-of-way and on-site bicycle/pedestrian pathways.	Staff	
<u>PERFORMANCE STANDARDS</u>		
39. Review the earthborn vibration performance standards.	Staff	
<u>PLANNED DEVELOPMENT DISTRICTS</u>		
<p>40. Consider the following revisions to the Planned Development Districts:</p> <p>A. Clarify the office secondary use limitations in the PDH District; Review the purpose and intent statements and the General and Design Standards; Review minimum lot size and open space requirements, the CDP/FDP submission requirements; and density credit for RPAs, streams and floodplains; Review permitted secondary commercial uses in the PDH District and consider increasing amount of commercial uses permitted; Consider waiving the minimum district size requirement for additions to existing PDH or PDC Districts; allow the Planning Commission to waive the 200 foot privacy yard for single family attached dwellings as part of FDP approvals; consider revising the 600 foot limit on private streets; and consider changes to the PRM/PDC District regulations related to mixed use districts. (NOTE: These items may be considered as part of the zMOD items regarding PDC/PRM District Regulations and PDH District Regulations.)</p>	Infill Study/EIP/EAC/PC/Staff	✓ part shown in strike-through
B. Reston PRC District Density Provisions	Board	
<u>RESIDENTIAL ZONING DISTRICTS</u>		
41. Establish an advisory committee to, among other things, review standards and guidelines associated with special permit, special exception and public uses in the R-C District; review maximum allowable floor area ratios; consider standards for total impervious cover and/or undisturbed open space and review combined impact of the facility footprint and total impervious surface cover, to include parking; and review the Comprehensive Plan to determine if clearer guidance is needed for special permit, special exception and public uses in the Occoquan.	New Millennium Occoquan Task Force/EAC	

TOPIC	SOURCE	zMOD*
<u>SPECIAL EXCEPTIONS</u>		
42. Category 1 Light Public Utility Uses – Consider revisions to strengthen the additional standards for Category 1 uses and add provisions to protect adjacent residential uses.	Citizen	
43. Category 2 Heavy Public Utility Uses – Consider the deletion of special exception requirement in the I-5 District for storage yards and office/maintenance facilities in conjunction with public utility uses, so these uses will be allowed by right.	BPR	✓
44. Category 5 Commercial and Industrial Uses of Special Impact – Consider the appropriateness of the list of heavy industrial uses.	Staff	✓
45. Consider requiring special exception approval to establish dancing and/or live entertainment/recreation venues and clarify what is allowed as accessory entertainment to an eating establishment.	BOS	✓
<u>SPECIAL PERMITS</u>		
46. Consider allowing BZA to modify or waive general standards when uses are proposed for existing structures and/or lots.	BPR	
47. Consider deletion of requirement for extension requests to be submitted 30 days prior to an expiration date, consistent with renewal requests.	Staff	
48. Allow BZA to modify special permit additional standards.	BPR	
49. Group 1 Extraction and Excavation Uses - Consider expanding the number of property owners requiring notification for the renewal of a special permit for a quarry and revise the blasting vibration maximum resultant peak particle velocity to be consistent with state regulation 4VAC25-40-880.	BOS /PC	
50. Group 4 Community Uses – Consider allowing community uses to be approved via development plans in the rezoning process in lieu of requiring special permit approval.	Staff/BPR	✓
51. Group 5 Commercial Recreation Uses – Consider clarifying types of uses included in “any other similar commercial recreation use.”	Staff	✓
52. Group 9 Uses Requiring Special Regulations – Consider the following:		
A. Revise the reduction of certain yard special permit additional standards to increase the allowable size of an addition and to allow the complete teardown and rebuild of a structure.	BOS /PC	
B. Revise the accessory dwelling unit submission requirements, occupancy and lot size limitations.	BOS	✓
C. Increase the minimum 55-year age requirement for accessory dwelling units.	BZA	✓

TOPIC	SOURCE	zMOD*
<u>SUBMISSION REQUIREMENTS</u>		
53. Revise submission requirements to include identification of heritage resources; and consider expanding the archaeological survey submission requirements to be applicable to all zoning applications and not only those applications located in Historic Overlay Districts.	BOS/Plan	
54. Consider adding specificity to the submission requirements for Comprehensive Sign applications. (Moved to 2020 ZOAWP)	Staff	
55. Consider adding an environmental site assessment submission requirement for site plans and certain zoning applications.	General Assembly	
56. Consider the strengthening of zoning application submission requirements to require the submission of a preliminary utility plan where utility construction could conceivably result in clearing of trees.	Tree Action Plan/EIP	✓
57. Review regulations related to:		
A. Adult video stores	Staff/BOS	✓
B. “Doggie” day care	Staff/BOS	✓
C. Sports arenas, stadiums	Staff/BOS	
58. Review the drug paraphernalia regulations to determine whether changes are necessary due to State Code revisions.	Staff	
59. Clarify that a certain amount of biotech (bioscience) research and development, which is primarily computer related and excludes animal testing, is permitted as an office use.	Staff	✓