

# FAIRFAX COUNTY



## ZONING ORDINANCE MODERNIZATION PROJECT

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### SUMMARY OF PROPOSED CHANGES TO DISTRICTS

AUGUST 9, 2019

#### Introduction

This document summarizes the proposed changes to the Fairfax County Zoning Ordinance included in the attached Zoning Districts draft. The previously released Use Regulations draft included a considerable number of substantive edits; however, the proposed changes to the zoning districts articles are more limited. Below is a summary of the significant proposed changes; 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 zMOD 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. From September 2018 through May of 2019, updated use regulations were released in installments. A [Consolidated Draft of the Fairfax County Use Regulations](#) (new Article 4), dated July 1, 2019, reflects the changes recommended as a result of extensive public and stakeholder review. 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 installments.

#### Proposed Changes to Districts

Specific zoning district regulations are currently found in Articles 3, 4, 5, 6, and 7, and Appendices 1 and 7 of the Zoning Ordinance. Regulations that apply generally to all zoning districts such as density/intensity calculations, open space, and bulk regulations, or that apply specifically to P Districts are currently found in Articles 2 and 16. This draft consolidates those regulations into a new Article 2 – *Zoning Districts*, and Article 3 – *Overlay and Commercial Revitalization Districts*. This partial draft of Article 9 – *Definitions* includes those definitions relevant to these new Articles 2 and 3. Except for the significant visual changes to the district content as discussed below, the bulk of the work on this draft consisted of clerical edits and

minor clarifications. As with previous drafts, many of the edits involved replacing legalese (e.g., heretofore and wherein) with more common terminology that is easily understood. Throughout the draft, placeholders within brackets are used to indicate a future cross-reference to current regulations. (For example, [reference to relocated Sect. X-XXX].) As the draft Zoning Ordinance is modified over the next several months, these cross-references will be populated with hyperlinked text leading directly to those standards.

Although most of the changes proposed with this draft are minor, a few more substantive edits are proposed as summarized below:

- ❖ **New Tables and Illustrations.** One of the most significant changes is the inclusion of new tables and graphics throughout the document to augment the text. Each of the residential, commercial, and industrial zoning districts includes aerial and street view photographs of the intended character of that district, a table summarizing key lot and building dimensional standards (e.g., building height and setbacks) in that district, and an illustration to demonstrate the dimensional standards. Except as discussed below, the standards themselves were not revised but are presented differently using a more visual approach. It should be noted that dimensional standards, to include permitted extensions into setbacks, will be part of a forthcoming draft of new Article 5 – *Development Standards*. In addition, some of the current graphics are used as placeholders, but new illustrations will be developed and included in a future draft.
  
- ❖ **Setbacks.** In this draft, references to “minimum required yards” are now renamed to the well understood and commonly used term, “setbacks.” This does not change that the term is used to indicate how far structures must be located from rights-of-way and lot lines. The draft includes two changes to setbacks. One relates to the rear setback for **corner lots** with single family detached dwellings in the R-E through R-8 Districts. Corner lots need to provide the minimum front setback adjacent to both streets, but in the referenced districts, the rear setback can take the dimension of the side setback. For instance, in the R-2 District, a corner lot is required to provide a 35-foot front setback from the lot lines which abut each street, and a 15-foot setback from the lot lines which abut both adjoining lots, in lieu of providing a 25-foot setback from the rear lot line. Older residential developments are experiencing redevelopment where older homes are replaced with new homes that are built to maximize the building envelope, leaving limited usable rear yard area. Staff has received comments about this setback provision, noting that the additional lot width required for a corner lot as compared to an interior lot more than off-sets the additional front setback requirement. The attached draft now requires that a 25-foot rear setback be provided.

The other change relates to **angle of bulk plane** (ABP), which is an older methodology that was used to determine setbacks based on the height of the building. The requirement is expressed as a formula, minimum required yard = effective building height x tangent (angle). This provision has historically been difficult to understand and use for staff, engineers, and citizens. During the initial outreach for the zMOD project, comments were made that this provision is confusing and should be simplified. In the attached draft, the formula and the terms angle of bulk plane and effective

building height are deleted and translated into tables that essentially capture the same setbacks relative to height without reliance on the formula. In developing the tables, the minimum setbacks were carried forward, and the current angles were used to determine the setbacks relative to height. In some instances, the table approach and rounding result in minor adjustments to the setbacks. In reviewing the current ABP requirements, it was found that some of the current standards do not actually result in a requirement for additional setback for the maximum building height, and in these and similar instances, the ABP requirement has been deleted. While the proposed tables carry forward the ABP concept in a more user-friendly manner, the concept of determining setbacks based on building height could be reviewed as part of a future amendment.

❖ **Stacked Townhouse Dwellings.** In the Use Regulations draft, a new use was created for stacked townhouse dwellings. With the allowance of a new dwelling type, building dimensional standards for this use have been developed in the residential zoning districts. While the proposal aligns the setbacks of stacked townhouses with single family attached dwellings, due to the stacked design, a larger building height has been proposed. In the R-12, R-16, and R-20 Districts, the maximum height of stacked townhouses is 60 feet. In Affordable Dwelling Unit Developments, in the R-5 through R-20 Districts, the maximum building height varies by zoning district from 50 to 60 feet.

❖ **Planned Districts.**

- **Comparison to Conventional District.** The current bulk regulations and landscaping and screening provisions for a P District that require them to generally conform to the most similar conventional zoning district (Par. 1 of Sect. 16-102) has not been included in the proposed draft. Flexibility is allowed with planned developments in order to achieve high standards in layout and design, and comparison with a conventional zoning district has not proven to be useful or appropriate. The general standards for planned developments require conformance with the comprehensive plan and consideration of surrounding development, which staff evaluates on a case by case basis. Therefore, the additional standard is not necessary.
- **PDH Density Bonus.** The density bonuses allowed in the PDH District for design features, historic preservation, or proposed development at a lower density than the current zoning district have not been carried forward. These density bonus provisions have not been used recently and are less applicable to the smaller developments typical of more recent applications.
- **PDH Secondary Use Limitations.** The secondary use limitations have been updated based on the proposed use classification system. In addition, the current requirement that secondary uses of a commercial nature be designed to serve primarily the needs of the residents of the planned development has been revised to require secondary uses in the commercial classification to be designed as an integrated component of the development. This shifts the focus to design and layout, instead of whether a particular use may draw from the wider community. The land area devoted to commercial uses would continue to be limited by the maximum number of square feet allowed per dwelling unit.

- ❖ **Historic Overlay Districts (HODs).** The HOD standards located in both Article 7 and Appendix 1 have been consolidated and integrated into the new Article 3 – Overlay Districts. As a part of this integration, the districts were reorganized, and much of the content was consolidated rather than repeatedly listing the same information. In the Use Regulations draft, a new use was created for Alternative Use of Historic Buildings. This use has been added as a permitted special exception use throughout the HODs. Additional revisions to this subsection, such as the inclusion of the Secretary of the Interior Standards as review standards, may be made in consultation with the Architectural Review Board, and future revisions are anticipated after development of new design guidelines.
  
- ❖ **Commercial Revitalization Districts (CRDs).** As with the HODs, Article 7 and Appendix 7 containing the CRDs and associated standards have been integrated into the new Article 3 - Overlay Districts. Similar reorganization and streamlining efforts also occurred in this subsection. The proposed substantive changes are outlined below:
  - **Building Height.** Under current regulations, increased flexibility is included in the standards that apply to CRDs in order to encourage redevelopment. The proposed draft expands this flexibility to maximum building height in the same manner as it applies to setback requirements. While setbacks are specified in the underlying zoning district, a lesser front setback is permitted if the adopted comprehensive plan specifies such. The proposed draft would also allow an increase in the building height permitted in the underlying zoning district if specified in the adopted comprehensive plan.
  - **Parking Reduction.** While this change has not been proposed in the draft, expanding an administrative reduction in parking for non-residential uses to all CRDs rather than only the Richmond Highway CRD is under discussion.
  - **Interior Parking Lot Landscaping.** Under today's standards, interior parking lot landscaping in CRDs is only required when a proposed expansion or enlargement of an existing development involves 20 or more parking spaces. In an attempt to further revitalization efforts, the draft proposes to require interior parking lot landscaping when the resultant parking lot contains 20 or more parking spots, which is the same standard that applies to non-CRD districts.
  
- ❖ **Airport Noise Overlay District.** The uses listed in the noise compatibility table have been updated to correspond with the use tables in the Use Regulations draft (new Article 4). Accessory and temporary uses were not carried forward as the noise level standards would be based on the principal use. New uses were assigned the levels for the most similar use, and consolidated uses did result in some changes. For instance, theaters are currently not allowed in any of the impact areas, but they have been consolidated with other indoor recreation uses which are allowed with acoustical treatment measures.

## Next Steps

- Clarion Associates will return in October 2019 for another round of public meetings to present the Fairfax County Districts and to answer additional questions.

- 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 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>.

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