



County of Fairfax, Virginia

MEMORANDUM

DATE: June 5, 2018

TO: Development Process Committee
Supervisor Kathy L. Smith, Chairman

FROM: Leslie B. Johnson *LBJ*
Zoning Administrator

SUBJECT: **Proposed 2018 Zoning Ordinance Amendment Work Program**
Development Process Committee – June 12, 2018

Background

The Zoning Ordinance Amendment Work Program (ZOAWP), originally initiated in 1983, outlines requested changes to the Zoning Ordinance, which originate from a variety of sources, including the Board of Supervisors (Board), Planning Commission, Board of Zoning Appeals (BZA), citizens, industry representatives, and staff. The proposed 2018 ZOAWP includes changes that vary in scope from major reviews of specific portions of the Zoning Ordinance; to the addition of provisions to accommodate new concepts, zoning districts and/or uses; to minor changes of a clarifying nature or of limited impact and reflects the Zoning Ordinance Modernization (zMOD) initiatives, that are ongoing as part of the County's efforts to modernize the Zoning Ordinance.

Introduction and Planning Commission Recommendation

The Development Process Committee will be meeting on June 12, 2018 to review and comment on the proposed 2018 ZOAWP, which is inclusive of the zMOD initiatives. The proposed 2018 ZOAWP was presented to the Planning Commission's Land Use Process Committee on May 16, 2018. The Committee voted to send the proposal to the Planning Commission for a recommendation and on May 24, 2018, the Planning Commission voted to endorse the 2018 ZOAWP with the following modifications:

1. Move the staff recommended zMOD initiative regarding PDC/PRM District Regulations to Priority 2.
2. Correct identification of the Laurel Hill Historic Overlay District as "Second Tier" in Attachment 2.
3. Add "other congregate care uses" to the Older Adult Accommodations and Services category.

4. Clarify the PRC District Density item applies to the Reston PRC District only.

These changes have been made to the 2018 ZOAWP and a copy of the Planning Commission's verbatim from May 24, 2018 is enclosed as Attachment 7. In addition, subsequent to the Planning Commission's consideration of the 2018 ZOAWP, staff has added an initiative entitled "Land Development Services Initiatives," discussed in more detail below. The following additional documents are attached to facilitate the Development Process Committee's discussion:

- Attachment 1 – Status Table for the 2017 Priority 1 ZOAWP
- Attachment 2 – Proposed 2018 Priority 1 ZOAWP Summary Table
- Attachment 3 – Proposed 2018 Priority 1 ZOAWP Narrative
- Attachment 4 – New Amendment Requests (requests that have been suggested or identified subsequent to approval of the 2017 ZOAWP)
- Attachment 5 – Proposed 2018 Priority 2 Work Program Amendments
- Attachment 6 – Fairfax County Land Use Outreach & Communication Tools

Status of the 2017 Priority 1 Work Program (Attachment 1)

On June 20, 2017, the Board of Supervisors (Board) approved a total of 20 amendment initiatives for the 2017 Priority 1 ZOAWP, including 6 initiatives relating to the zMOD effort. Many of these initiatives are comprised of specific topic areas that are counted individually on the work program for tracking purposes. Therefore, the 2017 Priority 1 Work Program included 47 individual topic areas, with 41 of those under the Priority 1 Work Program initiatives, and 6 topics under the zMOD initiative. Since June 20, 2017, the Board has either adopted or authorized for public hearing amendments for 18 of the 47 individual topic areas within 10 of the 20 amendment initiatives included on the work program (*highlighted in green*). Among the most notable amendments adopted were the Minor Modifications, Restaurant and Parking amendments which collectively made significant contributions to the County's overall economic success strategy by easing regulatory obstacles to economic development. In addition, the changes to the PRM District to permit a final development plan to be submitted on a portion of the property subject to conceptual development plan approval has facilitated larger and more desirable land consolidations and development proposals that are subject to long term phasing plans.

Two other amendment initiatives, Rear Yard Coverage and Short Term Lodging (*homeowner/tenant operated within dwellings*) are currently scheduled for public hearings. These two amendments, particularly short term lodging, have been the subject of numerous community and stakeholder meetings, a Planning Commission workshop and several Board Development Process Committee meetings (DPC). It is anticipated that Board action on these two amendments will occur in June.

Finally, although not yet scheduled for public hearings, there has been significant staff research, outreach and discussions with the Planning Commission's Land Use Committee and/or the Board's DPC on the following 2017 amendment initiatives:

- 1) Reston PRC District Density Provisions
- 2) Sign Ordinance rewrite for content neutrality (*zMOD*)
- 3) Short Term Lodging for commercially operated dwellings
- 4) Agricultural Districts and Uses
- 5) Older Adult Accommodations and Services.

These initiatives have been carried over to the 2018 ZOAWP along with the other zMOD initiatives. The County's consultant, Clarion Associates, along with the zMOD staff team, held kick off meetings and focus group discussions in January on the zMOD Phase 1 project which includes restructuring and reformatting the zoning ordinance as well as developing more modern and flexible use categories. Clarion held a second series of community and stakeholder meetings, including discussions with the Board's DPC and the Planning Commission in early May to present recommendations for a new structure and format and outline zoning use trends.

Proposed 2018 ZOAWP-Priority 1 (Attachments 2 and 3)

Attachment 2 provides a summary table and Attachment 3 provides a more detailed narrative of the zMOD initiatives and the proposed 2018 Priority 1 ZOAWP initiatives, collectively the 2018 ZOAWP. The proposed 2018 ZOAWP contains 18 main initiatives, several of which are broken down into more specific topic areas that relate to subject of the main initiative, but reflect different provisions governed by the Zoning Ordinance. For example, the Agricultural District and Uses initiative (Item #2 on the 2018 ZOAWP) comprises 6 individual topic areas for consideration, which range from community gardens/urban agriculture, to sales/distribution of garden/farm products, to agritourism uses, to industrial composting. Similarly, the Editorial and Minor Revisions initiative (Item #4) consists of 14 individual topic areas that are all editorial/minor in nature, but are completely unrelated to one another. Within the 18 main initiatives, there are 47 individual topic areas, of which 15 are new and the remaining items have been carried over from the 2017 ZOAWP.

Historically, the Work Program has included timing recommendations in terms of specific months or quarters, but beginning with the 2017 ZOAWP, staff has proposed timing in terms of first or second half of the fiscal year. For 2018, the timing continues to be identified as either First Tier, Second Tier, or Pending. First Tier items will be brought forward for Board consideration within the first half of the 2019 fiscal year beginning July 2018; Second Tier items will be brought forward in the second half of the fiscal year; and items listed as Pending have been authorized and public hearings are scheduled as of the date of this memorandum. Staff notes that this timing proposal means that the amendment will be presented to the Board in some manner within the designated timeframe, which may include preparation of a strawman for discussion and direction at the Development Process Committee or authorization to advertise the proposal for public hearings.

The zMOD initiatives being undertaken by staff have a separate target time frame that reflects either the anticipated date for bringing the topic forward for authorization of public hearings or TBD (*to be determined*), as these items are still being researched and timing has not yet been

determined. The target time frame also acknowledges the ongoing consultant work on reformatting/restructuring and developing new use categories.

As noted, significant staff work and outreach has already occurred on many of the 2018 First Tier items, some of which represents a continuation of work started under the 2017 ZOAWP. Staff is in the process of developing a draft strawman proposal for some of the individual topic areas of the Agricultural Uses and Districts Initiative (Item #2) that was presented at the March 13, 2018 Board DPC meeting as well as the Older Adult Accommodations and Services Initiative that was addressed at the April 3, 2018 DPC meeting. Additionally, the analysis of the Planned Residential Community (PRC) District Amendment (Item #10, primarily impacting the Reston PRC) was presented to the Planning Commission's Policy and Procedures Committee in May 2017. Community and stakeholder outreach is currently ongoing on these topics.

New Requests (Attachment 4)

Staff receives various requests for consideration of additional amendments throughout the course of a yearly ZOAWP. The suggestions/requests come from a variety of sources, including the Board, Planning Commission, BZA, county staff, formal boards/authorities/committees/etc., members of industry and citizens. Attachment 4 sets forth the new requests that were received since the adoption of the 2017 ZOAWP, with notations as to the affected provisions and the source of the request. Staff used this list in conjunction with the carry-over items from the 2017 ZOAWP to determine each items' grouping in terms of the 2018 ZOAWP or for inclusion in the zMOD project. As part of the zMOD focus group meetings and survey conducted by Clarion during the kick off meeting and recent May meetings, comments received on topics related to uses and structure/format will be maintained by the zMOD project team.

As outlined in Attachment 4, of the 24 new amendment recommendations, 15 items have been added to Priority 1 of the 2018 ZOAWP, including 2 under zMOD. These additions include a number of editorial and minor revisions (Item #3), updates to the Noise Ordinance (Item #7), and amendments tied to 2018 General Assembly changes to the Code of Virginia (Item #11), including consideration of an increase in the misdemeanor penalties for successive zoning violations to align with the State Code and implementation of HB 1258, which establishes parameters for zoning approvals for certain wireless support structures and for co-location of a small cell facility with an existing wireless facility. Staff is currently evaluating HB 1258 to determine the scope of changes that may be required. Other items have been added to the zMOD Initiatives, including temporary pop-up uses and small-scale production facilities.

Proposed 2018 Priority 2 Work Program (Attachment 5)

Staff is proposing to add seven items from the recommended New Amendments list set forth in Attachment 4 to the Priority 2 Amendments list. 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 1 consideration. There are also a number of items on the list that could be considered as part of a future phase of the zMOD project, including uses/definitions, suggested clarifications/ simplifications, and provisions related to accessory uses/structures, these items

have been so noted. Several items are proposed to be deleted from the Priority 2 list including: 1) definition of riding and boarding stable (completed in 2016); 2) definition of commonly accepted pets (moved to Priority 1 under Editorial/Minor Revisions; 3) definition of congregate living facility (moved to Priority 1 under Older Adult Accommodations and Services); 4) definition of transient occupancy (moved to Priority 1 under Short Term Lodging); and 5) Site Plans – increasing amount of gross floor area or disturbed area exempt from site plan (adopted with ZO 18-471). New items added to the Priority 2 list for 2018 are:

1. Barbering/beauty salon as a by right home occupation
2. Bicycle parking standards and pathway connections
3. Modifications to service stations and service station/mini-mart definitions to address maximum area of outdoor display and items that can be sold
4. Allow error in building height through administrative approval
5. Revise the additional standards for Category 1 Light Public Utilities to enhance protections for adjacent residential uses
6. Recommendations of the Fair Housing Action Plan and the Countywide Housing Strategic Plan, to include:
 - a. Review the ADU Program exemptions
 - b. Review definitions associated with affordable housing and ADU developments
 - c. Review occupancy limits and application fees for group residential facilities
7. PDC/PRM District regulations

Staff notes that the items identified in #6 above were added after the Planning Commission's endorsement of the 2018 ZOAWP. These topics were added in response to the recommendations outlined in the Fair Housing Action Plan and the Countywide Housing Strategic Plan for FY2019 and may be addressed as part of an overall assessment of the County's affordable housing regulations and policies.

Community Engagement and Outreach

Since the adoption of the 2017 ZOAWP, staff has continued to seek ways to enhance community engagement and stakeholder outreach opportunities. Based on the nature and complexity of an amendment topic, staff is developing tailored engagement efforts that provide the best opportunity to engage the community and facilitate stakeholder input. As an example, for the short-term lodging amendment, a survey was created and pushed out on the Next Door social media platform. The survey generated over 7,600 responses and together with a series of county wide community meetings and Planning Commission Workshop, helped establish the framework for the amendment that is currently at the public hearing stage. Other engagement tools include establishment of a web page for each amendment, where meeting schedules, draft text and background information is posted; creation of a specific Facebook page for zoning topics; and open house meetings to discuss zoning topics. This year staff is has conducted a series of three Open Houses to educate, provide information and solicit feedback on zMOD and other amendment topics under review and development. These Open Houses were held in late May and early June. Staff is committed to engage often, early and in multiple formats. Attachment 6 is a list of the numerous outreach and communication tools utilized by the Department of

Planning and Zoning (DPZ) with the support of the Office of Public Affairs for land use activities, including amendments to the Zoning Ordinance.

In addition to the multiple outreach tools, the amendment process itself has significantly improved in terms of stakeholder and community engagement. Staff is bringing forward amendment topics much earlier in the research and development stage for initial discussions with the Board's DPC and the Planning Commission Land Use Committee. Staff is using a "White Paper" format for these initial discussions with background information on the issue, an outline of current zoning provisions and trends, a conceptual approach to address the amendment topic and an estimated time frame for completion. These concepts are shared with multiple stakeholder groups including technical experts, county staff and business and community groups to identify issues and approaches. A draft strawman, which will often include proposed text and outline various options, is then developed for additional discussion, review and comment by the Board, Planning Commission and stakeholders. This allows for a more robust dialogue and consensus building prior to the development and advertisement of a formal Staff Report with proposed text for public hearing. Staff will continue to seek out opportunities to broadly engage the community on amendments and other zoning topics.

Conclusion and Recommendation

The requested changes vary from major reviews of certain portions of the Zoning Ordinance to the addition of new provisions to accommodate new concepts and/or uses and making minor clarifying revisions. The joint initiatives of the 2018 ZOAWP and zMOD project propose an ambitious agenda that will enable the County to bring forward a more modern Zoning Ordinance that will meet the current and future needs of the County's business community and its citizens. Given the breadth and complexity of the ZOAWP, staff recommends that the ZOAWP be reviewed and adopted on a two-year cycle, to include a yearly status update. As evidenced in the 2018 ZOAWP, while new amendment initiatives are added, many are carried over to the next year's work program as staff progresses with research, outreach and development of text to bring forward for public hearings. A number of the initiatives stay on the work program for multiple years as other priority amendments are identified and brought forward. Further, a two-year work program coincides with the anticipated completion of the first phase of the zMOD process in early 2020. A yearly update would be provided in 2019 to review and adjust priorities as needed, and to establish the Tier 1 and Tier 2 amendments for FY2020.

Staff will be present at the Committee meeting on June 12, 2018 to discuss the proposed 2018 ZOAWP and respond to any questions.

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STATUS UPDATE FOR THE 2017 ZONING ORDINANCE AMENDMENT WORK PROGRAM

ZONING ORDINANCE MODERNIZATION (zMOD) PROJECT INITIATIVES		
# on 2017 zMOD	Amendment Topic	Status
1	Re-Format and Restructure Provisions	DPC* 5/8/2018 Consultant work underway
2	Minor Modification Provisions	ADOPTED 11/22/2017
3	Use Categories a. Restaurants	Consultant work underway a. ADOPTED 01/23/2018
4	PDH District Regulations	Research Ongoing
5	Sign Ordinance	DPC 03/13/2018
6	Additional Building Repositioning/Repurposing Recommendations	Research Ongoing

STATUS OF 2017 ZONING ORDINANCE AMENDMENT WORK PROGRAM INITIATIVES		
# on 2017 ZOAWP	Amendment Topic	Status
1	Agricultural Districts and Uses	
	A. Community Gardens/Urban Agriculture	
	B. Sales/Distribution of Farm/Garden Produces	DPC 3/13/2018
	C. Residential Gardening as an Accessory Use	
	D. Agritourism Uses	
	E. Industrial, Commercial and Container Agriculture	Research ongoing
	F. Industrial Composting	
2	Older Adult Accommodations and Services	
	A. Continuing Care Facilities (<i>Includes Item 9b on Priority 2- definition of congregate living facility</i>)	DPC 4/3/2018
	B. Adult Day Health Care	DPC 4/3/2018
	C. Other 50+ Plan Initiatives	DPC 4/3/2018
3	Parking	
	A. Eliminate reduction for Transportation Demand Management Programs	
	B. Administrative approval for certain shared parking agreements	ADOPTED 2/20/2018
	C. Streamline parking reduction process	
	D. Parking maximums or reductions in all Transit Station Areas	
4	P District Recreation Fees	ADOPTED 6/20/2017

STATUS UPDATE FOR THE 2017 ZONING ORDINANCE AMENDMENT WORK PROGRAM

# of 2017 ZOAWP	Amendment Topic	Status
5	PRC District (Reston) – Density Provisions	Continuing outreach
6	PRM District – Final Development Plan	ADOPTED 7/11/2017
7	Rear Yard Coverage	
	A. Clarify 30% rear yard coverage calculation	Authorized 3/20/2018
	B. Increase rear yard coverage for certain sized lots	PCPH* 4/18/2018
	C. Allow for modifications of lot coverage as a Special Permit	BOSPH* 5/15/2018
8	State Code Changes	
	A.(1) Short-term rentals – homeowner/renter operated in dwellings <i>(Includes Item 12 from the 2017 ZOAWP Priority 2 regarding definition of transient occupancy.)</i>	Authorized 3/20/2018 PCPH 5/3/2018 BOSPH 6/19/2018
	A.(2) Short-term rentals – commercially operated	DPC 1/30/2018
	B. Telecommunications/small cell facilities	ADOPTED 6/20/2017
9	Accessory Structure Size	Research ongoing
10	Application Fees	
	A. Public Facilities (15.2-2232) and wireless facilities (Spectrum Act)	ADOPTED 6/20/2017
	B. Other zoning application fees	To be determined
11	Laurel Hill Historic Overlay District	Research ongoing
12	Outdoor Lighting	Research ongoing
13	Site Plan Provisions (LDS Initiative)	ADOPTED 3/6/2018
14	Editorial and Minor Revisions	
	A. Children’s play structures	Authorized 3/20/2018 PCPH 4/18/2018 BOSPH 5/15/2018
	B. Editorial – paragraph reference in Sect. 16-401	ADOPTED 7/11/2017
	C. Department name change – DPWES to LDS	ADOPTED 7/11/2017
	D. Other revisions (see Narrative in Attachment 3)	Research ongoing

* Abbreviations: DPC – Board of Supervisor’s Development Process Committee
PCPH – Planning Commission Public Hearing
BOSPH – Board of Supervisors’ Public Hearing

DRAFT SUMMARY TABLE - PROPOSED 2018 ZONING ORDINANCE AMENDMENT WORK PROGRAM

ZONING ORDINANCE MODERNIZATION (zMOD) PROJECT INITIATIVES <i>TBD = To Be Determined</i>			
Origin	#	Amendment Topic	Target Timeframe
2016 ZOAWP and NEW	1	Building Repositioning/Repurposing A. Small-Scale Production Facilities B. Temporary/Pop-Up Uses	A. 9/2018 B. TBD
2017 ZOAWP	2	PDH District Regulations	TBD
2017 ZOAWP	3	Re-format and restructure provisions	Consultant work underway
2017 ZOAWP	4	Sign Ordinance A. Content neutrality-related changes B. Size, height, location changes; Comprehensive Sign Plan review process	A. 9/2018 B. 2019
2017 ZOAWP	5	Use Categories	Consultant work underway
2018 ZONING ORDINANCE AMENDMENT WORK PROGRAM INITIATIVES <i>NOTE: Under the Tier column, "First" is a timing reference that indicates an intent to seek authorization by the Board within the first half of Fiscal Year (FY) 2019 and "Second" would occur in the second half of FY2019 and "Pending" indicates that the amendment has been authorized and is advancing through the public hearing process</i>			
Origin	#	Amendment Topic	Tier
2016 ZOAWP	1	Accessory Structure Size	Second
2016 ZOAWP	2	Agricultural Districts and Uses *	First and Second
2016 ZOAWP	3	Application Fees	Second
2017 ZOAWP and NEW	4	Editorial and Minor Revisions *	First and Second
NEW	5	Land Development Services Initiatives*	Second
2016 ZOAWP	6	Laurel Hill Historic Overlay District	Second
NEW	7	Noise Ordinance – Limited Minor Updates *	First
2016-17 ZOAWP, 50+ Action Plan	8	Older Adult Accommodations and Services and other Congregate Care Uses *	First and Second
2016 ZOAWP	9	Outdoor Lighting	First
2016 ZOAWP	10	PRC District Density (Reston)	First
2016 ZOAWP	11	Rear Yard Coverage *	Pending
2017 ZOAWP	12	Short-Term Lodging A. Homeowner/renter Operated in Dwellings B. Commercially Operated	Pending First
NEW	13	2018 State Code Changes *	First and Second

* See Subcategories in the Priority 1 Work Program Narrative in Attachment 3

**DRAFT PROPOSED 2018 ZONING ORDINANCE AMENDMENT WORK PROGRAM
PRIORITY 1 NARRATIVE**

*(Includes the 2018 Priority 1 Zoning Ordinance Amendment Work Program
and the 2018 zMOD Initiatives, collectively referred to as 2018 ZOAWP)*

Below is an alphabetical list and description of the amendments proposed to be evaluated as part of the on-going zMOD initiatives and the 2018 Zoning Ordinance Amendment Work Program (ZOAWP). Timing for consideration of the proposed amendments on the ZOAWP is identified as either “First Tier”, “Second Tier”, “Pending” or “To Be Determined (TBD).” The First Tier amendments are anticipated to be reviewed and brought forward for discussion/authorization within the first six months of the Fiscal Year 2019 and items identified as Second Tier would be considered in the second half of the fiscal year. Items identified as “Pending” have been authorized as of the date of preparation of this Work Program. Those items identified as “TBD” would be included with other items or brought forward throughout the term of the 2018 ZOAWP. **Highlighted** items are new amendments on the zMOD initiatives and ZOAWP and the remainder are carry-over items from the 2017 ZOAWP.

Zoning Ordinance Modernization (zMOD) Initiatives

1. **Building Repositioning/Repurposing** – amendments to permit office-to-residential/mixed use conversions, flex units, maker spaces, small-scale production facilities, and other similar uses.
 - NEW (Staff) A. Small-Scale Production Facilities** – consider establishing a use category for production/ assembly/manufacturing establishments of a limited size in commercial areas to accommodate uses such as include indoor food production, 3-D printer manufacturing, etc.
 - NEW (Staff) B. Temporary/Pop-Up Uses** – consider establishing a use category for short-term uses that occupy vacant spaces for a limited period of time, such as restaurants, art galleries/shows/performances, etc.
2. **PDH District Regulations** –to include review of the Purpose and Intent provisions, as well as yards, uses, processes and issues impacting homeowners, particularly related to small-scale PDH developments, including HOA maintenance and other topics.
3. **Re-Format and Restructure Provisions** - to include use of tables, illustrations and web-enabled links/content, to create streamlined, user-friendly document that is usable on multiple electronic platforms
4. **Sign Ordinance** – in two parts: First, content neutrality; Second, size, height and location considerations and Comprehensive Sign Plan review process.
5. **Use Categories** - to include combining uses into more generic categories to accommodate emerging trends, reduce need for determinations and to more accurately reflect current/future changes in the industry.

PRIORITY 1 ZONING ORDINANCE AMENDMENT INITIATIVES

1. **Accessory Structure Size** – Consider limiting the size of an accessory structure relative to a principal structure that can be permitted by right and allowing larger accessory structures with special permit approval by the BZA. **(Second Tier)**
2. **Agricultural Districts and Uses** – Review zoning districts in which agricultural activities are permitted; address trends to include more community-based and urban agricultural forms; address agritourism uses as set forth in the State Code; and review provisions allowing for the sale of agricultural/garden products.
 - A. Community Gardens/Urban Agriculture **(First Tier)**
 - B. Sales/distribution of Garden/Farm Products (including wayside stands, farm markets, open air produce stands, farmers’ markets) **(First Tier)**
 - C. Residential Gardening as an Accessory Use **(First Tier)**
 - D. Agritourism Uses **(Second Tier)**
 - E. Industrial, Commercial and Container Agriculture **(Second Tier)**
 - F. Industrial Composting **(Second Tier)**
3. **Application Fees** – Evaluate application fees in conjunction with the next budget cycle to determine if adjustments are warranted. **(Second Tier)**
4. **Editorial and Minor Revisions**
 - A. Accessory Dwelling Units – clarify Special Permit provisions to specify the minimum standards for a unit to be deemed to be fully within a principal dwelling on lots of less than two acres. **(Second Tier)**
 - B. **NEW (Staff)** Accessory Outdoor Storage and Display - Revise Sections 4-505, 4-605, 4-705, 4-805 and 10-102 to increase the amount of outdoor storage and display that would be exempt from site plan requirement from 250 square feet to 500 square feet to align with changes made to Article 17, Site Plans, with ZO-18-471. **(First Tier)**
 - C. **NEW (Staff)** Child Care Centers – delete references to Chapter 30 and Title 63.2, Chapter 17 of the Code of Virginia in the additional standards, as there is no enforcement authority under the Zoning Ordinance. **(Second Tier)**
 - D. **NEW (Moved from Priority 2)** Commonly Accepted Pets – review the County Code provisions related to types of animals that can be kept as a pet in a dwelling and determine if changes to the Zoning Ordinance are required. **(Second Tier)**

E. Definitions

- (1) **NEW (Staff)** Gross Floor Area – correct an inadvertent deletion of a portion of the definition of gross floor area that occurred with the minor modifications amendment. **(First Tier)**
- (2) Lot Line – consider revising the definition so that measurements for curved lot lines are no longer based on the chord of the arc. **(First Tier)**
- (3) Lot Width – consider allowing lot width to be measured along any street on a through lot and clarify that lot width is measured from the local street on a reverse frontage lot. **(First Tier)**

F. **NEW (in part)** Keeping of Animals – delete the provision regarding animals kept on a property prior to October 11, 1977, as the provision is no longer valid and **[NEW (Staff-based on Noise Ordinance Update)]** consider prohibiting the keeping of roosters as accessory to a dwelling unit. **(First Tier)**

G. Nonconformities – clarify the time limit in which a discontinued use that had been permitted by right under previous provisions, but which requires special exception or special permit approval under the current provisions, may be re-established. **(Second Tier)**

H. **NEW (Staff)** Permitted Extensions – delete “oriel” from the list of permitted extensions into minimum required yards, as the term is outdated **(First Tier)**

I. Planning Commission Membership – change reference to update terminology **(First Tier)**

J. Private/Fraternal Clubs – clarify parking requirement to reflect the number of people in attendance is based on maximum number attending at any one time rather than the total number of members of the club. **(First Tier)**

K. **NEW (Staff)** Small Cell Facility Permits in Historic Overlay Districts – review timing of Architectural Review Board’s review and recommendation for small cell facility permits. **(First Tier)**

L. Temporary Mobile and Land Based Telecommunications Testing Facilities – delete this use, as newer technology has rendered these facilities obsolete. **(First Tier)**

M. Temporary Special Permits (TSP) – delete the \$100 cash escrow requirement for certain TSP uses. **(First Tier)**

N. Yard Sales - clarify the type of household items that are permitted to be sold at yard sales associated with a dwelling. **(First Tier)**

5. **NEW (Board/Staff of LDS) Land Development Services Initiatives** - as part of the Department of Land Development Services (LDS) annual work plan, including an update of the Public Facilities Manual (PFM), changes to the Zoning Ordinance may be required in the following areas **[2018 Priority 1 #5]**:
 - A. Delegation of minor site plan authority from the County Executive to the Director
 - B. PFM Flex Project –miscellaneous changes may be required to the Zoning Ordinance
 - C. Regulations impacting the delineation of buildable areas
 - D. Changes to Residential/Non-Residential Use Permits, in favor of issuance of a Certificate of Occupancy

6. **Laurel Hill Historic Overlay District** – Establish a Laurel Hill 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. **(Second Tier)**

7. **NEW (Staff) Noise Ordinance** – Pursuant to the Noise Ordinance Status Update Memorandum dated September 18, 2017, consider exempting daytime animal noise; allow the Police to impose civil penalties for Noise Ordinance violations; and allow for the revocation of noise waivers for failure to comply with noise waiver conditions. **(First Tier)**

8. **Older Adult Accommodations and Services and Other Congregate Care Uses**
 - A. Continuing Care Communities
 - (1) Consider development of a new zoning district to accommodate a spectrum of institutional uses, accommodations, and associated convenience/service uses in a single, integrated development. **(First Tier)**
 - (2) Consider establishment of a new continuing care use that allows for the co-location of independent living facilities and medical care facilities on the same property. Also, consider updates to the existing provisions for Independent Living Facility, Assisted Living Facility, Congregate Living, Medical Care Facility and other associated uses to clarify definitions, assess continued appropriateness of use limitations, and to enhance distinctions between the uses. **(First Tier)**
 - B. Adult Day Health Care– Consider adding adult day care as a new use subject to use limitation and determine if the use should be permitted by-right or subject to a special exception. Staff will consider this item in the context of the Continuing Care Communities amendment. **(First Tier)**
 - C. Age-Restricted and Innovative Housing Types, Other changes identified by the 50+ Plan initiatives – consider changes that include development provisions to foster development of new/innovative housing types designed to serve older adults, first-time homebuyers, and lower income populations; review existing parking regulations;

review minimum acreage requirements for certain uses ; review composition/timing/ scope of participation by the Health Care Advisory Board; and consider opportunities for expansion of the use of accessory dwelling units for older adults. **(Second Tier)**

9. Outdoor Lighting – Consider revisions to the outdoor lighting standards pertaining to security lighting, outdoor sports facilities and other changes to improve the overall effectiveness of such provisions; consider requiring Architectural Review Board review of sports illumination plans and photometric plans that are submitted in Historic Overlay Districts when such plans do not require site plan, special permit, special exception, rezoning or development plan approval; and review single family residential lighting exemptions to consider additional requirements for minimum spacing of lighting fixtures and possible limitations on cumulative allowable initial light outputs. **(First Tier)**

10. Planned Residential Community (PRC) District (Reston) Density Provisions - Consider possible revisions to the maximum allowable densities and/or persons per acre in the PRC District (Reston) to facilitate the implementation of the Reston Master Plan. **(First Tier)**

11. Rear Yard Coverage (Pending)

- A. Clarify how the 30% coverage limitation within the minimum required rear yard is calculated.
- B. Consider increasing the percentage of coverage permitted and/or eliminating the requirement for certain sized lots.
- C. Consider allowing modifications of the maximum lot coverage requirement in a rear yard to be approved by the BZA as a special permit.
- D. Modify size of children’s play structures.

12. Short-Term Lodging

- A. Homeowner/Renter Operated in Dwellings– amendment was authorized for public hearings on March 20, 2018, with the Board of Supervisors’ public hearing currently scheduled for June 19, 2018. This item includes Item 12 from the 2017 Priority 2 ZOAWP regarding the establishment of a definition of transient occupancy. **(Pending)**
- B. Commercially Operated – consider changes that would permit new multiple family 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 multiple family buildings to offer a small percentage of the total unit count as short term rentals that are commercially managed. **(Second Tier)**

13. **NEW 2018 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.
 - A. Make the necessary revisions to implement HB 1258, which establishes parameters for zoning approvals for certain wireless support structures and for the co-location of a small cell facility with an existing wireless facility. **(First Tier)**
 - B. Consider increasing civil penalties associated with zoning violations to align with the State Code. **(Second Tier)**
 - C. Other changes, as necessary. **(Second Tier)**

**NEW ZONING ORDINANCE AMENDMENT PROPOSALS
AFTER ADOPTION OF THE 2017
ZONING ORDINANCE AMENDMENT WORK PROGRAM (ZOAWP)**

*NOTE: Information in parenthesis () indicates the source of the recommendation.
Information in square parenthesis [] indicates where the item was added to the 2018 ZOAWP*

1. **Barbering/Beauty Salon** – (Citizen) Consider allowing as a “by-right” Home Occupation in a dwelling, rather than by Group 9 Special Permit and/or expand residential districts in which such special permit is allowed (currently limited to R-E, R-1, and R-2.) **[2018 ZOAWP Priority 2 #1L]**

2. **Bicycle parking and pathway connections** – (Staff) Consider establishing a requirement for bicycle parking and standards for bicycle/pedestrian pathway connections between rights-of-way and internal site bicycle/pedestrian pathways. **[2018 ZOAWP Priority 2 #40]**

3. **Editorial and Minor Revisions**
 - A. Accessory Outdoor Storage and Display – (Staff) Revise Sections 4-505, 4-605, 4-705, 4-805 and 10-102 to increase the amount of outdoor storage and display that would be exempt from site plan requirement from 250 square feet to 500 square feet to align with changes made to Article 17, Site Plans, with ZO-18-471. **[2018 ZOAWP Priority 1 #4B]**

 - B. Child Care Centers – (Staff) Delete references to Chapter 30 and Title 63.2, Chapter 17 of the Code of Virginia in the additional standards, as there is no enforcement authority under the Zoning Ordinance. **[2018 ZOAWP Priority 1 #4C]**

 - C. Commonly Accepted Pets – (Moved from the 2017 ZOAWP Priority 2 by Board of Supervisors) - review the County Code provisions related to types of animals that can be kept as a pet in a dwelling and determine if changes to the Zoning Ordinance are required. **[2018 ZOAWP Priority 1 #4D]**

 - D. Definition of Gross Floor Area – (Staff) Correct an inadvertent deletion of a portion of the definition of gross floor area that occurred with the minor modifications amendment. **[2018 ZOAWP Priority 1 #4E(1)]**

 - E. Keeping of Animals – (Staff-Noise Ordinance Update) Consider prohibiting the keeping of roosters as accessory to a dwelling unit. **[2018 ZOAWP Priority 1 #4F]**

 - F. Permitted Extensions – (Staff) Delete “oriel” from the list of permitted extensions (Par. 1D of Sect. 2-412), as the term is outdated and a letter of clarification has been issued to industry/citizens. **[2018 ZOAWP Priority 1 #4H]**

 - G. Service Stations and Service Stations/Mini-Mart – (Staff) Modify the definitions to address the maximum area for outdoor display and the kinds of items that can be sold at these establishments. **[2018 ZOAWP Priority 2 #10G]**

- H. Small Cell Facility Permits in Historic Overlay Districts – (Staff) Review timing of the Architectural Review Board’s review and recommendation for small cell facility permits. **[2018 ZOAWP Priority 1 #4K]**
4. **Error in Building Height Through Administrative Approval** – (Industry Representative) Consider establishing an administrative process, similar to error in building location (setbacks), for small modifications in building height to be approved administratively by the Zoning Administrator. **[2018 ZOAWP Priority 2 #6]**
 5. **Land Development Services Initiatives** – (Staff of LDS/Board of Supervisors) – as part of the Department of Land Development Services (LDS) annual work plan, including an update of the Public Facilities Manual (PFM), changes to the Zoning Ordinance may be required in the following areas **[2018 Priority 1 #5]**:
 - A. Delegation of minor site plan authority from the County Executive to the Director
 - B. PFM Flex Project –miscellaneous changes may be required to the Zoning Ordinance
 - C. Regulations impacting the delineation of buildable areas
 - D. Changes to Residential/Non-Residential Use Permits, in favor of issuance of a Certificate of Occupancy
 6. **Light Public Utility Uses (Category 1 Special Exceptions)** – (Citizen) – consider revisions to strengthen the additional standards for Category 1 uses and add provisions to protect adjacent residential uses. **[2018 Priority 2 #45]**
 7. **Noise Ordinance – Limited Minor Updates** – (Staff/Board of Supervisors) Pursuant to the Noise Ordinance Status Update dated September 18, 2017, consider exempting daytime animal noise; allow the Police to impose civil penalties for Noise Ordinance violations and allowing for the revocation of noise waivers for failure to comply with noise waiver conditions. **[2018 ZOAWP Priority 1 #7]**
 8. **PDC/PRM District Regulations** – (Staff/zMOD) Consider clarifying distinctions between the PDC and PRM Districts in terms of percentage and type of principal and secondary uses permitted and review related use limitations. **[2018 ZOAWP Priority 2 #42]**

9. **Recommendations of the Fair Housing Action Plan and Countywide Housing Strategic Plan** – Consider changes to the Zoning Ordinance to address impediments to affordable housing opportunities identified in the “Fair Housing Action Plan 2016-2020” and to implement the recommendations of the Countywide Housing Strategic Plan for FY2019, to include:
- A. A review of the Affordable Dwelling Unit (ADU) program exemptions set forth in Sections 2-803 and 2-804 that exclude certain types of development from the ADU requirements. **[2018 Priority 2 #22I]**
 - B. Evaluate definitions of Affordable Housing and Affordable Dwelling Unit Development in Article 20 to determine whether current income thresholds are appropriate or should be aligned with HUD definitions. **[2018 Priority 2 #22J]**
 - C. 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 applications. **[2018 Priority 2 #23B]**
10. **Small-Scale Production Facilities** – (Staff/zMOD) Consider establishing a use category for production/ assembly/manufacturing establishments of a limited size in commercial areas to accommodate uses such as indoor food production, 3-D printer manufacturing, etc. **[2018 zMOD #1A]**
11. **2018 State Code Changes** – (General Assembly) 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. The 2018 Session of the General Assembly will require consideration of necessary revisions to implement HB 1258, which establishes parameters for zoning approvals for certain wireless support structures and for the co-location of a small cell facility with an existing wireless facility; consider increasing civil penalties associated with zoning violations to align with the State Code; and any other changes, as deemed necessary. **[2018 ZOAWP Priority 1 #13]**
12. **Temporary/Pop-Up Uses** – (Staff/zMOD) Consider establishing a use category for short-term uses that occupy vacant spaces for a limited period of time, such as restaurants, art galleries/shows/performances, etc. (For examples, see artomatic.org and artehouse.com) **[2018 zMOD #1B]**

**DRAFT PROPOSED PRIORITY 2
2018 ZONING ORDINANCE AMENDMENT WORK PROGRAM**

The Following Abbreviations are used in this document:

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

TOPIC	SOURCE
<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: <i>NOTE: These items may be considered as part of a future phase of zMOD project.</i>	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

TOPIC	SOURCE
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
K. Consider permitting electric fences on lots less than 2 acres as a deer management tool.	Citizen
L. NEW 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: <i>NOTE: These items may be considered as part of a future phase of zMOD project.</i>	
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. <i>NOTE: These items may be considered as part of a future phase of zMOD project.</i>	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. NEW 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
<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

TOPIC	SOURCE
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: <i>NOTE: These items may be considered as part of a future phase of zMOD project.</i>	Staff/BZA
A. Commonly Accepted Pets <i>(NOTE: This item will has been moved to Editorial and Minor Revisions under Priority 1)</i>	BOS
B. Congregate Living Facilities <i>(NOTE: This item is included in analysis of continuing care facilities.)</i>	BOS
C. Contractors' offices and shops	Staff/BZA
D. Junk yard	Staff/BZA
E. Riding and boarding stables <i>(NOTE: This amendment was addressed with ZO-17-458 in 2017.)</i>	Staff/BZA
F. Private schools	Staff/BZA
G. NEW Service Station and Service Station/Mini-Mart	Staff
H. Storage yard	Staff/BZA
I. Streets	Staff/BZA
11. Add the following definitions <i>NOTE: These items may be considered as part of a future phase of zMOD project.</i>	
A. Establishment for production, processing, etc.	Staff/BPR/BZA
B. Place of worship	Staff/BPR/BZA
C. Storage	Staff/BPR/BZA
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. <i>NOTE: This item may be considered as part of the zMOD project analysis of homeowner-related issues, particularly for P-Districts, but also for R-Districts.</i>	Staff

TOPIC	SOURCE
13. Clarify the meaning of “transient” in the hotel/motel definition <i>NOTE: This item is included in the pending short-term lodging amendment.</i>	BZA
14. 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
15. 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
16. 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
17. 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>	
18. 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
19. Exempt floor area used for a public use from the density calculations on a property	Economic Success Plan
20. 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

TOPIC	SOURCE
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
21. 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>	
22. Consider the following revisions to the 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
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

TOPIC	SOURCE
I. NEW 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. NEW 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
23. Other Housing Policies	
A. Review the Board of Supervisors' accessory dwelling unit policy in Appendix 5 to determine whether updates are necessary.	Staff
B. NEW 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
24. 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>	
25. Revise use limitations in I-5 District regarding outdoor storage of trucks and equipment.	BOS
26. 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
27. Consider allowing private clubs and public benefit associations in the industrial district by right and subject to use limitations.	Staff
28. Consider limitations on the size of a food and beverage production facility in the I-4 District.	BOS
<u>LANDSCAPING & SCREENING</u>	
29. 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

TOPIC	SOURCE
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
30. 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>	
31. Comprehensive review and study, to include addition of provisions to address situations resulting from condemnation of right-of-way by public agencies.	Staff/BPR
<u>OPEN SPACE</u>	
32. 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
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>	
33. Airport Protection Overlay District - Establish an Airport Protection Zoning Overlay District for Dulles International Airport, Ronald Reagan National Airport and Davison Airfield	BOS
34. Historic Overlay Districts - Consider the following revisions to the Historic Overlay Districts:	

TOPIC	SOURCE
A. 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
B. 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>	
35. Study parking requirements for:	BOS /Staff
A. Funeral homes	
B. Places of worship	
C. Child care centers and nursery schools	
36. 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
37. Consider the following revisions to vehicle parking on lots with single family detached dwellings:	
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
38. Clarify the meaning of “permanent availability” in Par. 1 of Sect. 11-102 as it pertains to the use of off-site parking spaces on a contiguous lot.	Staff
39. Regulate the maximum size of personal vehicles that are permitted to park in a residential district.	Citizen
40. NEW 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>	
41. Review the earthborn vibration performance standards.	Staff
<u>PLANNED DEVELOPMENT DISTRICTS</u>	
42. Consider the following revisions to the Planned Development Districts: Clarify the office secondary use limitations in the PDH District; Review the purpose and intent statements and the General and Design Standards; Review minimum	Infill Study/EIP/EAC/PC/Staff

TOPIC	SOURCE
<p>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. <i>(NOTE: These items may be considered as part of the zMOD items regarding PDC/PRM District Regulations and PDH District Regulations.)</i></p>	
<u>RESIDENTIAL ZONING DISTRICTS</u>	
<p>43. 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.</p>	<p>New Millennium Occoquan Task Force/EAC</p>
<u>SITE PLANS</u>	
<p>44. For uses subject to site plan approval, which does not include single family detached dwellings, consider increasing the amount of gross floor area or disturbed area that is exempt from site plan or minor site plan requirements. <i>(NOTE: This item was addressed with ZO-18-471 regarding Uses Exempt from Site Plan Requirements.)</i></p>	<p>Staff</p>
<u>SPECIAL EXCEPTIONS</u>	
<p>45. 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.</p>	<p>Citizen</p>
<p>46. 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.</p>	<p>BPR</p>
<p>47. Category 5 Commercial and Industrial Uses of Special Impact – Consider the appropriateness of the list of heavy industrial uses.</p>	<p>Staff</p>

TOPIC	SOURCE
48. 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. <i>NOTE: this item may be reviewed as part of a future phase of the zMOD project.</i>	BOS
<u>SPECIAL PERMITS</u>	
49. Consider allowing BZA to modify or waive general standards when uses are proposed for existing structures and/or lots.	BPR
50. Consider deletion of requirement for extension requests to be submitted 30 days prior to an expiration date, consistent with renewal requests.	Staff
51. Allow BZA to modify special permit additional standards.	BPR
52. 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
53. 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
54. Group 5 Commercial Recreation Uses – Consider clarifying types of uses included in “any other similar commercial recreation use.”	Staff
55. 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
<u>STATE CODE CHANGES</u>	
56. Incorporate the new requirement for Development in dam break inundation zones.	General Assembly
<u>SUBMISSION REQUIREMENTS</u>	

TOPIC	SOURCE
57. 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
58. Consider adding specificity to the submission requirements for Comprehensive Sign applications.	Staff
59. Consider adding an environmental site assessment submission requirement for site plans and certain zoning applications.	General Assembly
60. 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
61. Review regulations related to:	
A. Adult video stores	Staff/BOS
B. "Doggie" day care	Staff/BOS
C. Sports arenas, stadiums	Staff/BOS
62. Review the drug paraphernalia regulations to determine whether changes are necessary due to State Code revisions.	Staff
63. 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



FAIRFAX COUNTY LAND USE OUTREACH & COMMUNICATIONS TOOLS



The Department of Planning and Zoning, with the support of Office of Public Affairs, uses the following tools for providing information related to the various land use projects, amendments and applications that are reviewed and processed by the department. The specific tools and techniques are used as appropriate based on the specific circumstances and scope for the specific project, amendment or application being considered.

Public outreach on land use applications and public facility (2232) applications going through the review process is the responsibility of the applicant and informed by the District Supervisor; information at the end of this document addresses common methods of outreach for these cases.

- **Community meetings:** These meetings range from informational to more directed discussions to charrettes to help in decision making. Public task forces are often established for Comprehensive Plan studies, and these meetings are facilitated to provide specific recommendations. In other instances, particularly for zoning ordinance amendments, community wide meetings are held to provide information about proposed amendments, as well as gather input. Charrettes also have been used to gather public input or help reach decisions, and recent examples include the planning efforts for Seven Corners, Lincolnia and Embark Richmond Highway.
- **Open houses:** These less-formal meetings provide an opportunity for the public to learn about a specific project(s) while interacting one-on-one with county staff. As an example, multiple open houses were held during the Embark Richmond Highway planning process, and a well-attended Zoning Open House was held last summer to allow the public to learn about multiple amendment at once.
- **Stakeholder consultations:** Staff will consult directly with specific stakeholder groups, such as civic or homeowner associations and industry representatives, to gather feedback. For example, these consultations occurred with reviews of new Comprehensive Plan policy that allows for repurposing of office structures for other uses and for the craft beverage zoning ordinance amendment and the ongoing short term lodging zoning amendment.
- **County website:** Specific webpages are created for every plan and most zoning amendments, and these pages offer comprehensive information, including presentations made to the public, frequently asked questions, videos, draft plan or zoning text, public feedback gathered and staff reports. (The status of pending land use cases, as well as published staff reports and proffer statements, are available on the county's website.)
- **Listservs:** For many projects, the county establishes email listservs so that interested members of the public subscribe to can stay informed about specific projects. These project-specific listservs are in addition to the standing listservs for the Planning Commission, Comprehensive Plan Amendments, Proposed Zoning Ordinance Amendments and Adopted Zoning Ordinance Amendments.

- **Media Relations:** The county conducts outreach to the local media to inform them about proposed studies and amendments. This includes notices about upcoming meetings, key decision or actions, and final adoption of plan and zoning changes.
- **Social Media:** Twitter and Facebook are used to announce meetings for studies or amendments, seek public feedback, and final adoption of key studies and amendments. This includes the use of individual Facebook pages for land use studies and zoning related issues, as well as the county's main Facebook page. Facebook has also been used to livestream community meetings, such as the recent Office Repurposing amendment.
- **Nextdoor:** This relatively new social, platform allows the county to communicate with neighborhoods in a specific geographic area. The county government has an overall account, and each Board of Supervisors office have access to their own individual government accounts. To date, the main county account has been used to announce community or task force meetings for plan or zoning projects. For example, Nextdoor has been used to announce meetings for the Dulles Suburban Study and the Zoning Ordinance Modernization Project, known as zMOD. While Nextdoor can be a powerful tool, residents do not opt-in—or subscribe—to messages from the county. Some do not appreciate the unsolicited information, leading them to block future messages from the county.
- **Surveys:** When appropriate, online surveys are conducted to solicit public feedback. As an example, this was done for recently for the Short-Term Lodging Zoning Amendment and Zoning Ordinance Modernization project.
- **Online Chats:** Online chats have been conducted for specific projects such as Embark Richmond Highway. These chats allow the public to submit questions in advance of scheduled chat time, as well as in real time.
- **Videos:** Videos are used to provide information about specific plan or zoning amendments. As an example, there was a four-part series created for the Site-Specific Plan Amendment Process.
- **Fact sheets, fliers:** Collateral materials are created for projects as appropriate, such as fact sheets that distributed in person and online. Fliers are also used to announce meetings like fliers posted at community centers and on Connector buses for Embark Richmond Highway.
- **Mailings:** Mailings are sent to specific geographic areas or neighborhoods as appropriate, and letters are also sent to civic or homeowners associations.

Legal Notification and Public Outreach on Land Use Applications

Land use applications include cases heard by the Planning Commission (including 2232s), the PC and the Board of Supervisors, or the Board of Zoning Appeals. Public Outreach on these cases is the responsibility of the applicant and is informed by the District Supervisor. Legal Notification (which also serves an outreach function) is set by the State Code and the Zoning Ordinance and is the responsibility of both County Staff and the applicant.

- **Community meetings:** Depending on the application and the Supervisory District, these meetings take different forms, but the basic goal is to inform the surrounding community and elicit comments, issues and questions. Some meetings may include formal votes of support/no support. Planning and Zoning Staff are not staff support for these meetings, however upon request may attend to discuss process and/or a particular application, when appropriate. Community meetings may include:

- Formal Land Use Committees that meet on a regularly scheduled basis (usually monthly) to review and discuss land use cases and issues. These committees usually also review County-driven projects such as Zoning Ordinance Amendments and Plan Amendments.
- Formal Land Use Committees that meet on an as-needed basis (ie., when a case is filed) to review and discuss land use cases and issues. These committees may also review County-driven projects such as Zoning Ordinance Amendments and Plan Amendments.
- Project-specific meetings that are organized by either the applicant or the District Supervisor's office. These may be broad (for an entire community), or may be targeted at a particular neighborhood or homeowners' association.
- **County website:**
 - The **Land Development System** provides the status of pending land use cases, as well as published staff reports and related information. Search functions include by or around an address, tax map, case number, or even name of participant.
<http://ldsnet.fairfaxcounty.gov/ldsnet/>
 - The **Planning and Zoning Viewer** is an interactive map with information about current zoning applications and zoning layers for areas within Fairfax County. The map can be customized and printed. The Viewer is accessed through the DPZ mapping page.
<https://www.fairfaxcounty.gov/planning-zoning/maps-and-geographic-applications>
 - **My Neighborhood** is an interactive mapping application that allows users to find information related to addresses in Fairfax County. It includes links to other public web applications with information about real estate tax assessments, land development, and crime.
<http://www.fairfaxcounty.gov/myneighborhood/>
- **Legal Notifications:** The information included in the notice (the same text is used for all three types) is proscribed by the Zoning Ordinance (Sect. 18-110) and state law (Sect. 15.2-2285 of the Code of Virginia). Applicants may not include their own information in the mailing.
 - Post physical signs on property (posted by County, not required by State Law)
 - Mail notices to adjacent property owners (notices provided by County, usually mailed by applicant with return receipt to County)
 - Run ad in newspaper (run by County)
- **Open Houses:** These less-formal meetings provide an opportunity for the public to learn about a series of project(s) while interacting one-on-one with county staff and/or the applicant. Usually organized when a large number of land use cases have been filed in a particular geographic area, such as the annual Tysons Open House held with the Tysons Partnership in the years immediately following adoption of the new Comprehensive Plan in 2010. Land use cases are usually only one of the areas of focus of an open house.

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**County of Fairfax, Virginia
Planning Commission Meeting
May 24, 2018
Verbatim Excerpt**

Attachment 7

ZONING ORDINANCE AMENDMENT 2018 WORK PROGRAM

During Commission Matters

Commissioner Hurlley: Thank you Mr. Chairman. On May 16th, 2018, the Zoning Administrator presented the 2018 Zoning Ordinance Amendment Work Program to the Planning Commission's Land Use Process Review Committee for review and discussion. The Committee voted to recommend that the 2018 Work Program, as reviewed and modified by the Committee, be brought to the full Planning Commission tonight for endorsement. These minor modifications include such changes as:

- Moving Item 3, under the Zoning Ordinance – the ZMOD – project initiatives to...as a TBD over to a Priority 2 category to be addressed in the near term; and also
- Identify the Laurel Hill Historic Overlay District as a second tier item to be consistent with the timing identified in another attachment.

As I said, these are – were minor modifications and, therefore, I MOVE THAT THE PLANNING COMMISSION RECOMMEND TO THE BOARD OF SUPERVISORS THE PROPOSED 2018 ZONING ORDINANCE AMENDMENT WORK PROGRAM, AS PRESENTED BY STAFF WITH THE CHANGES RECOMMEND BY THE LAND USE PROCESS REVIEW COMMITTEE.

Commissioner Niedzielski-Eichner: Second.

Secretary Migliaccio: Seconded by Commissioner Niedzielski-Eichner. Is there any discussion on this motion?

Commissioner Ulfelder: Mr. Chairman?

Secretary Migliaccio: Commissioner Ulfelder.

Commissioner Ulfelder: It...it's the fiscal year 2019 work plan, isn't it? If I can...

Secretary Migliaccio: Ms. Johnson.

Leslie Johnson, Zoning Administration Division, Department of Planning and Zoning: We're going by calendar year, even though it covers a fiscal year. So it is the 2018.

Secretary Migliaccio: Okay, thank you. All in favor?

Commissioners: Aye.

ZONING ORDINANCE AMENDMENT 2018 WORK PROGRAM

Secretary Migliaccio: All opposed? The motion carries to recommend that we – oh, I'm sorry – that we recommend that the Zoning Ordinance Work Program, as described by Commissioner Hurley, is sent to the Board of Supervisors.

The motion carried by a vote of 10-0. Commissioners Hart and Murphy were absent from the meeting.

JLC