



# County of Fairfax, Virginia

## MEMORANDUM

**DATE:** September 21, 2021

**TO:** Board of Supervisors

**FROM:** Leslie B. Johnson  
Zoning Administrator

**SUBJECT: Proposed Zoning Ordinance Work Program - FYs 2022/2023**  
Land Use Policy Committee  
September 28, 2021, at 1:30 p.m.

This memorandum provides the Zoning Ordinance Work Program (ZOWP) for fiscal years 2022 and 2023, including proposed adjustments to priorities and timing, and highlights of the accomplishments made since July 2020.

### **Introduction**

The Land Use Policy Committee (LUPC) is meeting on September 28, 2021, to, among other things, review and comment on the ZOWP for fiscal years 2022 and 2023. The ZOWP includes carry over items from the previous work program and new topic areas that were identified after the Board of Supervisor's (Board) endorsement of the ZOWP last year. The LUPC review of the proposed Work Program is intended to ensure that the work of the Zoning Administration Division continues to accurately reflect the Board's priorities.

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

- Attachment 1 – FY 2021 ZOWP Status Update
- Attachment 2 – Proposed ZOWP – FYs 2022/2023
- Attachment 3 – Estimated Timelines for ZOWP
- Attachment 4 – Priority 2 Work Program Amendments

The ZOWP includes requested changes to the Zoning Ordinance which originate from a variety of sources, including the Board, the Planning Commission, the Board of Zoning Appeals (BZA), residents, industry representatives, and staff.

### **FY 2021 ZOWP Accomplishments (Attachment 1)**

The 2020 Work Program (fiscal year 2021) included a total of 13 amendment topic areas. A number of these initiatives are broken down into more specific sub-topics. Additionally, three items were added in response to Board direction after approval of the work program. These



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include two items related to the Wellington Historic Overlay District and one related to special permit fees. Since July 2020, ten, or 50%, of the individual amendment topics have been adopted; seven (35%) have been partially completed or are in progress; and 3 (15%) have not been started. Highlighted below are some of the more significant topic areas that have been completed or are currently in progress.

### Completed:

- ✓ zMOD Ordinance: On March 23, 2021, the Board adopted a new and modernized Zoning Ordinance as part of the zMOD project. This new Ordinance went into effect on July 1, 2021, and replaced the previous 1978 Ordinance. The zMOD project is a major accomplishment and incurred a significant outlay of staff and consultant resources during the past three and one-half years. The new Ordinance is easier to read and understand and includes more tables, graphics, and hyperlinks. It includes modernized land uses and regulations, and corrected gaps and inconsistencies in other regulations. As presented to the LUPC on July 20, 2021, the Ordinance has been integrated into a user-friendly online platform that is easy to navigate and usable on multiple devices, including cellphones and tablets.

The new Ordinance also addressed or partially addressed several items that were separately identified on the ZOWP:

- ✓ Adult Day Care Centers – A new use, adult day support center, was added to allow day support services for adults with intellectual or development disabilities, focusing on continuing education and skill-based training. With addition of this new use, no changes were made to the permissions or standards for the adult day care center use. These changes were initially authorized as a separate amendment and separate outreach was undertaken. The proposed changes were coordinated with the Health Care Advisory Board and ultimately folded into the zMOD approval.
- ✓ Affordable Housing Initiatives – The standards and procedures for accessory living units (ALUs) were revised to include adding a new administrative permit approval for interior units and eliminating the requirement that someone on the property be 55 years of age or older or disabled. ALUs represent an addition to the affordable housing toolkit. Other affordable housing initiatives remain on the ZOWP, as further discussed below.
- ✓ Green Initiatives – The new Ordinance includes uses and standards for solar power facilities, accessory solar collection systems, and electric vehicle charging stations. Fairfax green initiatives also remain on the 2022/2023 ZOWP.
- ✓ Land Development Services Initiatives – An item was included on the Work Program to incorporate any necessary revisions to the Zoning Ordinance for consistency with LDS's PFM Flex Project. Several changes, such as those relating to parking lot landscaping and floodplain regulations, were incorporated into the Zoning Ordinance, consistent with the PFM. Additionally, the duties and responsibilities for the Tree Commission and the Geotechnical Review

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Board were relocated from the Zoning Ordinance to other chapters of the County Code because the provisions relating to those authorities had been previously relocated from the Zoning Ordinance.

- ✓ Agritourism Uses: The amendment increased the minimum acreage required to be in agricultural production from five acres to seven acres for an agricultural operation; established an agritourism definition with a tiered system based on associated acreage ranges and total number of attendees per day, and associated standards; created a by-right option for bed and breakfasts when in conjunction with an agricultural operation and located on 20 acres or more; permitted food trucks in association with agritourism, limited brewery, limited distillery, and farm winery uses; renamed “quarters for a tenant farmer and his family” to farm worker housing with additional standards; and modified and relocated the provisions for wayside stands.
- ✓ Short-Term Lodging Status Update: In accordance with a follow-on motion by the Board, a detailed status update was provided related to the adopted amendment for short-term lodging for homeowners/renters operated in dwellings. This included 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.
- ✓ Sign Ordinance Update: A report to the Board on the 2019 Sign Ordinance amendment was recently completed; this included an analysis of complaints and a recommendation of future amendments for consideration. Additional revisions relating to signs is included below for the proposed ZOWP.
- ✓ Special Permit Fees and Other Minor Revisions: As directed in the motion for approval of the new Zoning Ordinance, an amendment was adopted that reduced the new special permit application fee for an increase in flagpole height. The amendment also reduced the fees for several other special permit application types and included editorial revisions and corrections.
- ✓ Wellington Historic Overlay District: The amendment established the Wellington at River Farm Historic Overlay District (WHOD), concurrent with a Comprehensive Plan Amendment PA 2020 IV-MV1, addressing the proposed establishment of the WHOD; and rezoning application RZ 2021-MV-001, adding the WHOD to the property and defining the boundaries of the WHOD on the Zoning Map.
- ✓ Historic Overlay Districts and State Code Revisions: This subsequent amendment to the Wellington Historic Overlay District was added after approval of the 2020 Work Program in response to Senate Bill 1457 relating to the review and approval by the Architectural Review Board of subdivision plats, plans, and construction plans and to allow public access to a Historic Overlay District that meets certain criteria. This item was expedited and recently adopted by the Board.

### In Progress:

- ✓ Hollin Hills Historic Overlay District: Staff has been working with the Heritage Resources Branch of the Department of Planning and Development (DPD) and a

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community work group on the potential creation of the Hollin Hills Historic Overlay District. 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. This item may be authorized and scheduled for public hearings in the fall of 2021.

- ✓ Holmes Run Acres Historic Overlay District: Staff has been working with the Heritage Resources Branch of DPD and a community work group on the potential creation of the Holmes Run Acres Historic Overlay District. It is anticipated that this item will be brought forward for public hearings in the spring/summer of 2022.
- ✓ Outdoor Lighting: This topic is in accordance with a follow-on motion by the Board to consider revisions to protect dark skies around astronomical facilities. A review of the State enabling legislation and preparation of background studies, including maps and other data for the area around the Turner Farm Park observatory has begun. This work is intended to continue, along with community outreach, during 2021 and 2022, and staff is planning to bring an update to the Board's LUPC next spring.
- ✓ Parking Rates: This topic is a major initiative that will include a comprehensive review and evaluation of parking rates, with particular attention to the rates for shopping centers and other retail uses, the use of on-street parking, and other parking issues. Other provisions of Article 6, Parking and Loading, will be reviewed as well. A consultant has been retained and background research is underway. An introductory presentation on this initiative is planned for a joint meeting of the Board and Planning Commission on October 12, 2021.

### **Proposed ZOWP – FYs 2022/2023 (Attachment 2)**

Attachment 2 provides a summary of the amendment topic areas proposed to either be evaluated and authorized for public hearing during FYs 2022/2023 or to be researched for future discussion with the Board. Anticipated timelines are depicted in **Attachment 3**. The origin of the proposed amendment topic is listed in parenthesis at the end of the topic description in Attachment 2. This ZOWP includes 11 topic areas, some of which have been carried over from the previous Work Program. It also 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, as they include significant research and community outreach which must occur before public hearings are scheduled. The timing for each amendment will be reviewed by the Board each year to adjust priorities. The attachment groups the amendments into five categories – Pending, First Tier, Second Tier, TBD, and Monitoring:

- Pending – Items that have been authorized as of the preparation of the Work Program but have not been completed.
- First Tier – Topics 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 2022.
- Second Tier – Topics scheduled to be similarly considered during the second half of FY 2022.
- TBD – Topics that do not have a specific timeframe.

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- Monitoring – Topics for on-going monitoring or participation on task forces or other inter-agency work groups that may result in the need for future amendments.

**Carry over** topics from last year's Work Program include Affordable Housing Initiatives (#1), Application Fees (#2), Fairfax Green Initiatives (#4), Historic Overlay Districts (#5), Outdoor Lighting (#7), Parking Rates (#8), Sign Ordinance Part 2 (#9), and State Code Changes (#10). Two of these include **new** initiatives, which are listed below:

- Topic #1 – Consideration of changes in response to the recommendations of the Affordable Housing Preservation Task Force, including strategies to incentivize preservation of existing manufactured home communities has been added under the Affordable Housing Initiatives in accordance with the Board's motion of April 13, 2021.
- Topic #10 – Consideration of revisions related to the State Code legislation regarding cannabis, including for the retail sale of cannabis, which becomes effective in January 2024.

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

- ✓ Construction Vehicles (Topic #3): In accordance with a follow-on motion approved as part of the adoption of the new Zoning Ordinance, this topic will include establishing a stakeholder group to consider standards for the storage of construction vehicles associated with a contractor's office and shop to determine if additional opportunities should be provided for landscape professionals and other contractors, particularly within the C-8 District.
- ✓ Landscaping and Screening (Topic #6): This topic has been moved from Priority 2 in response to recommendations received from the Planning Commission during the discussion of zMOD as well as from staff. A comprehensive review of landscaping and screening standards would include a review of the modification provisions, parking lot landscaping, street tree preservation and planting, and sustainable site development and redevelopment, among other items. This topic will require substantial research, collaboration, and outreach. It is anticipated that a work group will be formed and outreach begun during the second half of the fiscal year, but that work on this topic will extend into FY 2023 and be carried over to the next Work Program.
- ✓ zMOD Implementation (Topic #11): This topic recognizes two follow-on motions approved as part of the new Zoning Ordinance, including the accessory living unit and home-based business reports to be prepared by January 2023, and the review of the implementation of the new Ordinance to be provided as part of next year's Work Program. The topic also recognizes that minor and editorial revisions will be needed. In addition, proposed amendments to other chapters of the County Code will be brought forward to update references for consistency with the new Zoning Ordinance, such as references to Chapter 112.1 (instead of Ch. 112) or to specific articles or sections.

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### **Priority 2 Work Program Update (Attachment 4)**

The Priority 2 Work Program includes those amendments that are not proposed to be added to the current ZOWP but have been retained for future consideration. The Priority 2 list reflects potential changes recommended by various Boards, Authorities, and Commissions, as well as staff, citizens, and industry stakeholders. A significant number of items that were on the Priority 2 list were previously identified to be addressed with the adoption of the new Zoning Ordinance, and those have been removed from the current list.

Several additional Priority 2 items, shown with strike-through, have been addressed or are recommended to be removed.

- The following items, shaded orange in the attachment, were addressed or considered as part of the adoption of the new Ordinance: #1A, #1C, #8B, #18A, #18D, and #34.
- The following items shaded in blue the attachment, have remained on the Priority 2 list for a number of years and are no longer under consideration: #1E, #1F, #8D, #8E, #9B, and #36.
- Item #11 will be addressed as part of the Work Program topic relating to the cannabis legislation.
- Item #12A which deals with possible amendments to the Affordable Dwelling Unit Ordinance (ADU) to allow units purchased by the Fairfax County Redevelopment and Housing Authority to be considered equivalent for purposes of compliance with the ADU Ordinance has been addressed through interpretation and there is no need for further amendment.
- Finally, item #20D was addressed as part of the amendment for Historic Overlay Districts and State Code Revisions in accordance with the enabling legislation of Senate Bill 1457.

The consideration of changes for commercially operated short-term lodging in new multifamily dwelling unit developments has been moved to Priority 2. This topic requires further research and is expected to extend beyond the current timeframe with the available staff resources. Requests for such uses can be accommodated through approval of a hotel use.

Lastly, in a follow-on motion stemming from the recent adoption of the Agritourism amendment, the Planning Commission recommended the Board consider an existing Priority 2 item (see #28) from the 2003 New Millennium Occoquan Task Force report entitled “Fulfilling the Promise: The Occoquan Watershed in the New Millennium” for prioritization during the next update of the Zoning Ordinance Work Program with recognition that this would entail a significant outlay of staff resources that will need to be considered as part of the prioritization. This item recommends establishing 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 and to also review the Comprehensive Plan to determine if clearer guidance is needed in reviewing these uses. Staff has conducted a cursory review of the special exception, special permit, and 2232 applications that were received and processed over the last 20 years. Anecdotal evidence from this review indicates that the County has indeed been good stewards of the Occoquan Watershed. The vast majority of these applications provide the recommended amount of undisturbed open space (target minimum of 50%) to meet the Water Supply Protection Overlay District (WSPOD) regulations to ensure protection of the watershed. Further, staff in DPD, along with other county agencies, is responding to OEEC’s Resilient

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Fairfax Audit on existing policies and regulations which impact climate change, including floodplain regulations and WSPORD regulations. It is our understanding that the Audit will be presented to the Board with recommendations later this fiscal year. Therefore, to avoid duplication of efforts and to allow the Board to consider any recommendations that may come from the Audit, staff recommends leaving this item on Priority 2 for this Work Program. This item can be revisited next year when the FYs 2023/2024 Work Program is brought to the Land Use Policy Committee for consideration.

### **Conclusion and Recommendations**

The FYs 2022/2023 ZOWP follows an ambitious amendment cycle that included the adoption of the new Zoning Ordinance. This cycle includes several follow-up items identified during the adoption of the new Ordinance, including topics relating to construction vehicles, landscaping and screening, and several implementation items. The parking study is a major initiative that will extend into FY 2023 and will include a comprehensive review of parking rates and other provisions in Article 6 of the Ordinance.

Staff will present the ZOWP at the LUPC Committee meeting on September 28, 2021, to provide a brief overview and answer questions. The Planning Commission will be reviewing the Work Program at its Land Use Process Review Committee on September 30, 2021. After review by the Board's LUPC and the Planning Commission's LUPRC, the FYs 2022/2023 ZOWP will be brought forward for endorsement by the Board. Once endorsed, staff will update the ZOWP webpage, will include the topic in upcoming outreach meetings, and will distribute the ZOWP to all Listserv subscribers.

If you have any questions, please feel free to call me at 703-324-1314.

cc: Planning Commission  
Bryan J. Hill, County Executive  
Rachel Flynn, Deputy County Executive  
Chris Leonard, Deputy County Executive  
Elizabeth Teare, County Attorney  
Barbara A. Byron, Director, DPD  
Thomas E. Fleetwood, Director, HCD  
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Tom Biesiadny, Director, FCDOT  
Jack Weyant, Director, DCC  
Sara Baldwin, Acting Executive Director, Park Authority  
Christopher S. Herrington, Director, DPWES  
Carmen Bishop, Assistant Zoning Administrator, DPD

## FY 2021 ZONING ORDINANCE WORK PROGRAM STATUS UPDATE

# <sup>1</sup>	Amendment Topic	Origin	Target Timeframe in Approved WP <sup>2</sup>	July 1, 2021 Status
1	Adult Day Care Centers	Board/NEW on 2020 WP	First Tier	<b>Completed</b> with zMOD
2	Affordable Housing Initiatives	Board/Staff and Carry over from 2018 Initiative 8C	TBD	Partially addressed with zMOD with accessory living unit provisions
3	Agritourism Uses	Carry over from 2018 Initiative 2	First Tier	<b>Completed</b>
4	Application Fees A. zMOD  B. Cost of Living  C. P District Recreational Facilities	A. Carry over from 2018 zMOD Initiatives B. Carry over from 2018 Initiative 3 C. Board direction for biennial review	A. First Tier  B. TBD  C. Second Tier	A. <b>Completed</b>  B. On hold  C. On hold
5	Outdoor Lighting – Lighting Overlay for Turner Farm Observatory	Board/NEW on 2020 WP	TBD	In progress
6	Fairfax Green Initiatives	Carry over from 2019 Initiative 4	TBD	Partially addressed with zMOD with solar and EVC uses
7	Historic Overlay Districts A. Hollin Hills Subdivision B. Holmes Run Acres C. Wellington HOD D. HODs and State Code Revisions	A. Carry over from 2019 Initiative 5 B. Board/NEW on 2020 WP C. Board/NEW* D. Board/NEW* * Added after 2020 WP	A. First Tier B. TBD C. N/A D. N/A	A. In progress B. In progress C. <b>Completed</b> D. <b>Completed</b>
8	Land Development Services Initiatives A. PFM Flex Project B. Tree Commission and GRB	A. Carryover from 2018 Initiative 5 B. NEW on 2020 WP/from zMOD Initiatives	A. TBD B. First Tier	A. <b>Completed</b> B. <b>Completed</b>
9	Parking Rates	NEW on 2020 WP/ from zMOD Initiatives	Second Tier	In progress

<sup>1</sup> Number shown on approved 2020 Work Program (FY 2021)

<sup>2</sup> First Tier = intent to seek Board LUPC discussion or authorization in first half of fiscal year; Second Tier = intent to seek Board discussion or authorization in second half of fiscal year; Pending = authorized and public hearings are scheduled; TBD = no specific timeframe



## FY 2021 ZONING ORDINANCE WORK PROGRAM STATUS UPDATE

# <sup>1</sup>	Amendment Topic	Origin	Target Timeframe in Approved WP <sup>2</sup>	July 1, 2021 Status
10	Short-Term Lodging A. Homeowner/Renter Operated in Dwellings Status Update  B. Commercially Operated	A. Carryover from 2019 Initiative 10A  B. Carry over from 2018 Initiative 12B	A. First Tier  B. TBD	A. <b>Completed</b>  B. Not started
11	Sign Ordinance, Part 2	Carry over from 2018 zMOD Initiative 4	TBD	Report on 2019 Sign Ordinance amendment <b>completed</b> . New amendment work in progress
12	2020 State Code Changes – As needed	Annual	TBD	None required (see Wellington HOD above)
13	zMOD Ordinance	Carry over from 2018 zMOD Initiatives	First Tier	<b>Completed</b>
NEW	Special Permit Fees and Other Minor Revisions	Board and Staff * Added after 2020 WP with motion for approval of zMOD	N/A	<b>Completed</b>

## ZONING ORDINANCE WORK PROGRAM – FYs 2022/2023

Below are the topics proposed to be evaluated as part of the Zoning Ordinance Work Program (ZOWP). Recognizing that Zoning Ordinance amendments often require more than one year to complete, including research and community outreach, the ZOWP is presented for a two-year cycle with annual updates to ensure that the Work Program continues to reflect the Board’s priorities. The origin of the amendment topic is noted in (parentheses) below.

Timing for consideration is identified as:

- Pending – Amendments that have been authorized as of the date of preparation of this Work Program and are proceeding through the public hearing process.
- First Tier – Amendments anticipated to be brought forward for discussion at a Board committee meeting or for authorization within the first six months of Fiscal Year 2022 (by December 2021).
- Second Tier – Amendments to be brought forward in the second half of the fiscal year (by July 2022).
- TBD – Topics that do not have a specific timeframe or are anticipated to be brought forward in FY 2023.
- Monitoring – Topics that include on-going monitoring or participation in task forces that may lead to potential Zoning Ordinance amendments.

\* See the attached table for a graphic depicting anticipated timing

1. **Affordable Housing Initiatives** – Consider zoning changes to support new affordable housing initiatives and land use policies, including changes identified by the 50+ Community Action Plan to foster development of new/innovative housing types designed to serve older adults, first-time homebuyers, and lower income populations, and changes in response to the recommendations of the Affordable Housing Preservation Task Force (“Task Force”), such as strategies to incentivize preservation of existing manufactured home communities through a review of use standards and bulk regulations as part of the Manufactured Housing Task Force (Task Force Recommendation MH7).  
(Carry over from 2018 Initiative 8C and Board motion April 13, 2021) **(Monitoring/TBD)**
2. **Application Fees**
  - A. 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) **(TBD)**
  - B. Planned District recreational facilities – 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) **(TBD)**
3. **Construction Vehicles (NEW)** – Establish stakeholder group to review use standards for storage of construction vehicles in association with contractor’s office and shops to determine if they should be modified to allow additional opportunities for suitable locations for landscape professionals and other contractors. (Board zMOD Follow-on Motion #3) **(TBD)**
4. **Fairfax Green Initiatives** – Consider zoning changes that would incentivize and support more environmentally sustainable development. (Carry over from 2019 Initiative 4) **(Monitoring/TBD)**

## 5. 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 – Establish a Holmes Run Acres 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 2020 Initiative 7B) **(Second Tier)**

## 6. Landscaping and Screening – Establish a stakeholder work group and conduct outreach to initiate a comprehensive review of landscaping and screening provisions. (Planning Commission/Staff – moved from Priority 2) **(TBD)**

## 7. Outdoor Lighting – Consider additional zoning provisions to protect dark skies around astronomical facilities. (Carry over from 2020 Initiative 5) **(Second Tier)**

## 8. Parking Rates – 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. (Carry over from 2020 Initiative 9) (This will be a multi-year effort with carry over into FY 2023. Initial discussion and outreach will begin as **First Tier**)

## 9. Sign Ordinance, Part 2 – Review processes and standards for comprehensive sign plans for mixed use or P Districts and special exceptions for an 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) **(Second Tier)**

## 10. State Code Changes

- A. 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)**
- B. Cannabis legislation (**NEW**) – Consider changes related to cannabis legislation adopted in 2021, including for the retail sale of cannabis to become effective in January 2024 **(TBD)**

## 11. zMOD Implementation





- A. Minor and Editorial Revisions (**NEW**) – Minor revisions and editorial corrections to the new Zoning Ordinance. (Staff) **(First and/or Second Tier)**
- B. Implementation Follow-up (**NEW**) – Provide an analysis of the implementation of the new Zoning Ordinance, including a list of provisions that need to be revised or modified and the proposed schedule for preparing those amendments in accordance with zMOD Follow-On Motion #7. (Board) **(Monitoring)**

- C. Accessory Living Units and Home-Based Businesses (**NEW**) – Monitor and evaluate the provisions for accessory living units and home-based businesses and provide a report in accordance with zMOD Follow-On Motion #1. (Board) (**Monitoring-January 2023**)

**Zoning Ordinance Work Program - Estimated Timelines**

Zoning Ordinance Amendments		FY2022				FY2023			
WP#	Topic	1	2	3	4	1	2	3	4
1	Affordable Housing Initiatives								
2	Application Fees:								
2A	Cost of Living								
2B	P District Recreational Facilities								
3	Construction Vehicles								
4	Fairfax Green Initiatives								
5	Historic Overlay Districts:								
5A	Hollin Hills Subdivision								
5B	Holmes Run Acres								
6	Landscaping and Screening								
7	Outdoor Lighting								
8	Parking Rates								
9	Sign Ordinance, Part 2								
10	State Code Changes:								
10A	Annual placeholder								
10B	Cannabis Legislation								
11	zMOD Implementation:								
11A	Minor and Editorial Revisions								
11B	Implementation Follow-up								
11C	ALU/HBB Reports								

Key:

	Background/research/outreach
	Brought forward for Board LUPC or authorization and continuing work extending to public hearing phase
	Issue report/memorandum
	TBD

## ZONING ORDINANCE WORK PROGRAM – FYs 2022/2023 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 shaded orange were addressed or considered as part of the adoption of the new Ordinance, and items shaded blue have remained on the Priority 2 list for a number of years and are no longer under consideration.

TOPIC	SOURCE
<b>ACCESSORY USES AND STRUCTURES</b>	
1. Comprehensive review of accessory uses and structures, to include consideration of issues such as:	BOS/PC/BZA/ Staff/Industry
<del>A. Establishment of a side yard requirement for accessory structures in the PRC District <sup>1</sup></del>	BOS/PC/BZA/ Staff/Industry
B. 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
<del>C. Review the accessory use limitations to determine whether they adequately address the placement of commercial portable storage containers in commercial districts. <sup>2</sup></del>	BOS
D. Review the allowable placement of roll-off debris containers/dumpsters in residential districts during home improvement projects.	BOS
<del>E. Consider requiring the issuance of fence permits for either all fences or fences that are over a certain height. <sup>3</sup></del>	Citizen
<del>F. 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. <sup>4</sup></del>	Citizen
G. Consider establishing a minimum distance a fence can be located from a pipestem driveway.	Citizen

<sup>1</sup> Addressed in the new Zoning Ordinance with the addition of a side setback of eight feet for accessory structures in the PRC District where there are no proffered yards (subsection 4102.7.A(6)(b)5).

<sup>2</sup> The new standards for shipping containers apply to storage containers in commercial districts.

<sup>3</sup> Recommended to be removed because requiring zoning permits for fencing is not being consider at this time.

<sup>4</sup> Unnecessary as fences in front yards are limited to four feet in height, which applies to fences placed along property lines.

TOPIC	SOURCE
H. Consider permitting electric fences on lots less than two acres as a deer management tool.	Citizen
<b>GENERAL REGULATIONS</b>	
2. Consider revising the cluster provisions to delete the bonus density option.	General Assembly
3. 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/BZA
4. Comprehensive review and study of provisions relating to nonconformities to include addition of provisions to address situations resulting from condemnation of right-of-way by public agencies.	Staff/BPR
5. Review the definition of gross floor to consider including cellar space in all districts consistent with the PDC, PRM, and PTC Districts.	Staff
6. 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
7. Exempt floor area used for a public use from the density calculations on a property.	Economic Success Plan
8. Lot and Yard Regulations – Consider the following:	
A. Revise provisions of lots contiguous to pipestem driveways to remove the language “serving more than one pipestem lot.”	Citizen
<del>B. Review the existing provisions which allow uncovered stairs and stoops to encroach into minimum required yards.<sup>5</sup></del>	Staff
C. Consider requiring greater setbacks for proposed construction in areas influenced by tidal flooding.	BOS’s Environmental Committee
<del>D. Consider revisions to the lot and yard definitions; consider whether front yards should be required from unimproved dedicated rights-of-way.<sup>6</sup></del>	Infill Study
<del>E. 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.</del>	BOS
9. Use and Structure Regulations – Consider the following:	

<sup>5</sup> Recommended to be removed, as the allowed extensions into setbacks were reviewed with zMOD and no changes pertaining to uncovered stairs and stoops were recommended.

<sup>6</sup> For 8D and 8E, topics such as requiring a front yard setback from an unimproved right-of-way, additional lot coverage, and square footage maximums in residential areas have been reviewed and are not recommended for further consideration.

TOPIC	SOURCE
A. Consider revising the maximum number of horses that may be maintained on a lot.	No. Va. Soil & Water Conservation District
<del>B. Consider allowing chickens to be permitted on lots less than two acres in size in certain situations.<sup>7</sup></del>	Citizen
10. Review regulations related to sports arenas and stadiums	Staff/BOS
11. <del>Review the drug paraphernalia regulations to determine whether changes are necessary due to State Code revisions.<sup>8</sup></del>	Staff
<b>HOUSING</b>	
12. Consider the following revisions to the Affordable Dwelling Unit (ADU) program:	
A. <del>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.<sup>9</sup></del>	Staff
B. Clarify subsection 5101.8.C(2) 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.	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 subsection 5101.3 that exclude certain types of developments from the ADU requirements.	Fair Housing Action Plan 2016-2020

<sup>7</sup> The Ordinance allows for chickens on lots of less than two acres with special permit approval.

<sup>8</sup> This will be addressed as part of the Work Program topic relating to the cannabis legislation.

<sup>9</sup> Equivalency has been addressed through interpretation.



TOPIC	SOURCE
J. Evaluate the definitions of Affordable Housing and Affordable Dwelling Unit Development in Article 9 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
13. Other Housing Policies – Consider increasing the number of persons with disabilities permitted in a group residential facility from eight 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
14. Residential Studios – Establish a new use and associated use standards for an affordable housing product generally designed for one person per unit.	Board
<b>INDUSTRIAL ZONING DISTRICTS</b>	
15. Consider limitations on the size of a food and beverage production facility in the I-4 District.	BOS
<b>LANDSCAPING, SCREENING AND OPEN SPACE</b>	
16. <del>(MOVED TO THE ZOAWP) Comprehensive review of landscaping and screening provisions to include:</del>	
A. <del>Appropriateness of modification provisions.</del>	BPR/Staff/ Industry
B. <del>Address issue of requirements when property abuts open space, parkland, including major trails such as the W&amp;OD and public schools.</del>	Staff/EIP
C. <del>Increase the parking lot landscaping requirements.</del>	Tree Action Plan/EIP
D. <del>Include street tree preservation and planting requirements.</del>	Tree Action Plan
E. <del>Consider requiring the use of native trees and shrubs to meet the landscaping requirements for developments along Richmond Highway.</del>	BOS
17. <del>(MOVED TO THE ZOAWP) 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.</del>	Tree Action Plan
18. Review of the open space provisions to include:	
A. <del>Consider the establishment of minimum sizes/dimensions for required open space areas.<sup>10</sup></del>	Infill Study/EIP/ Staff

10 For 18A and 18D, these topics were considered as part of zMOD, resulting in the removal of the minimum dimensions for open space in cluster developments and allowing natural areas associated with trails to be considered usable open space.

TOPIC	SOURCE
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
<del>D. Allow open space credit only for usable open space.</del>	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
<b>OVERLAY DISTRICTS</b>	
19. Airport Protection Overlay District - Establish an Airport Protection Zoning Overlay District for Dulles International Airport, Ronald Reagan National Airport, and Davison Airfield	BOS
20. 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
<del>D. Consider changing the ARB review and recommendations for site plans, subdivision plats and grading plans to review and approval.<sup>11</sup></del>	ARB
<b>PARKING</b>	
21. <del>(MOVED TO THE ZOAWP) Study parking requirements for:</del>	BOS /Staff
A. <del>Funeral homes</del>	
B. <del>Places of worship</del>	
C. <del>Child care centers and nursery schools</del>	
22. <del>(MOVED TO THE ZOAWP) 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.</del>	Industry

<sup>11</sup> This was addressed as part of the amendment for Historic Overlay Districts and State Code Revisions, in accordance with the state enabling legislation.

TOPIC	SOURCE
23. 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
24. Regulate the maximum size of personal vehicles that are permitted to park in a residential district.	Citizen
25. Consider establishment of a bicycle parking requirement and for pathway connections between rights-of-way and on-site bicycle/pedestrian pathways.	Staff
<b>PERFORMANCE STANDARDS</b>	
26. Review the earthborn vibration performance standards.	Staff
<b>PLANNED DEVELOPMENT DISTRICTS</b>	
27. Consider the following revisions to the Planned Development Districts:	
A. Review minimum lot size and open space 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; allow the Planning Commission to waive the 200 square 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.	Infill Study/EIP/EAC/PC/Staff
B. Reston PRC District Density Provisions	Board
<b>RESIDENTIAL ZONING DISTRICTS</b>	
28. 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
<b>SHORT-TERM LODGING</b>	
29. Short-Term Lodging/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	Moved from 2020 ZOAWP – from 2018 Initiative 12B

TOPIC	SOURCE
total unit count as short term rentals that are commercially managed.	
<b>SPECIAL EXCEPTIONS</b>	
30. Light Utility Facility Uses – Consider revisions to strengthen the additional standards for these uses and add provisions to protect adjacent residential uses.	Citizen
31. 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.	Staff
<b>SPECIAL PERMITS</b>	
32. Consider allowing BZA to modify or waive general standards when uses are proposed for existing structures and/or lots.	BPR
33. Consider deletion of requirement for extension requests to be submitted 30 days prior to an expiration date, consistent with renewal requests.	Staff
34. <del>Allow BZA to modify special permit use specific standards.</del> <sup>12</sup>	BPR
35. Extraction Activity 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
36. <del>Revise the reduction of certain setback special permit additional standards to increase the allowable size of an addition and to allow the complete teardown and rebuild of a structure.</del> <sup>13</sup>	BOS /PC
<b>SUBMISSION REQUIREMENTS</b>	
37. 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
38. Consider adding an environmental site assessment submission requirement for site plans and certain zoning applications.	General Assembly

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12 Modifications and waivers were considered with zMOD.

13 This item dates to the 2014 Work Program and is outdated.