

**2019 ZONING ORDINANCE AMENDMENT WORK PROGRAM
NARRATIVE**

*Includes Carry Over from the 2018 Zoning Ordinance Amendment and zMOD Initiatives as well
as new items requested/identified after adoption of the 2018 ZOAWP
(Collectively referred to as 2019 ZOAWP)*

Below is an alphabetical list and description of the amendments proposed to be evaluated as part of the 2019 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 and/or authorization within the first six months of the Fiscal Year 2020 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” do not have a specific timeframe.

2019 ZONING ORDINANCE AMENDMENT INITIATIVES

1. **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. (Carry Over from 2018 Initiative 2)
 - A. Community Gardens/Urban Agriculture (**Pending**)
 - B. Sales/distribution of Garden/Farm Products (including wayside stands, farm markets, open air produce stands, farmers’ markets) (**Pending**)
 - C. Residential Gardening as an Accessory Use (**Pending**)
 - D. Agritourism Uses (**First Tier**)
2. **Application Fees** – Evaluate application fees in conjunction with zMOD restructuring and the next budget cycle to determine what adjustments are warranted. (Carry over from 2018 Initiative 3) (**Second Tier with zMOD Restructure/Reformat**)
3. **Editorial and Minor Revisions**
 - A. Definitions (Carry over from 2018 Initiative 4E)
 - (1) 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**)
 - (2) 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**)

- B. Yard Sales - clarify the type of household items that are permitted to be sold at yard sales associated with a dwelling. (Carry over from 2018 Initiative 4N) **(Pending)**
 - C. BZA Decisions **(New)** – clarify that the decisions of the BZA are final and are not subject to reconsideration by the BZA. **(Pending)**
 - D. Department Name Change **(New)** – changes the department name from Planning and Zoning to Planning and Development in the ZO, Noise Ordinance, and other appropriate locations. **(Pending)**
 - E. Inspections **(New)** – clarify that the ZA or her agent may seek an inspection warrant and that nothing in the ZO authorizes the inspection of a property without consent or warrant. **(Pending)**
 - F. SolSmart Community Designation **(New)** – add solar panels as a specifically identified accessory structure (already allowed) to qualify to the SolSmart community designation. **(Pending)**
 - 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. (Carry over from 2018 Initiative 4G)
- 4. Fairfax Green Initiatives (New)** – consider zoning changes that would incentivize and support more environmentally sustainable development. **(TBD)**
- 5. Historic Overlay Districts**
- A. Establish 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. (Carry over from 2018 Initiative 6) **(TBD)**
 - B. Hollin Hills Subdivision **(New)** – 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 **(Second Tier)**
- 6. 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: (Carryover from 2018 Initiative 5)
- A. PFM Flex Project –miscellaneous changes may be required to the Zoning Ordinance
 - B. Dam Inundation Zones **(New)** – codify existing practices to conform to state code

requirements for development in dam inundation zones and add submission requirement for zoning applications. Will be reviewed in coordination with changes to PFM. (2018 Priority 2 Item 56)

7. **Older Adult Accommodations and Services and Other Congregate Care Uses** – Consider changes identified by the 50+ Plan initiatives to include provisions that 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 use. (Carry over from 2018 Initiative 8C) **(TBD)**
8. **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. (Carry over from 2018 Initiative 9) **(First Tier)**
9. **Regional Mall Parking Rates (New)** – Review and analyze the parking rates for regional malls in excess of 800,000 square feet of gross floor area to determine an appropriate minimum parking requirement for shopping centers of this size given the changing nature of retail. **(First Tier)**
10. **Short-Term Lodging**
 - A. Homeowner/Renter Operated in Dwellings **(New)** – Provide status update on Short-Term Lodging permit program which became effective October 1, 2018. **(Second Tier)**
 - 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. (Carry over from 2018 Initiative 12B) **(Second Tier)**
11. **2019 State Code Changes** – this item is an annual Work Program entry that will address any changes to the Code of Virginia that necessitate a change to the Zoning Ordinance. **(TBD)**
12. **Wireless Facilities (New)** – Incorporate modifications that are required as the result of the adoption of the Zoning for Wireless Infrastructure Zoning Ordinance Amendment, including: **(First Tier)**
 - A. Delete Sect. 2-520, Modifications to Existing Wireless Towers or Base Stations, and all references to Sect. 2-520;

- B. Revise Sect. 2-514 to clarify that co-locations that are deemed eligible facilities requests for a modification of a wireless tower or base station that does not substantially change the physical dimensions of such tower or base station under Sect. 6409 of the Spectrum Act do not require any zoning permit and are not subject to Sect. 2-514;
- C. Revise Sect. 18-106 to delete the Sect. 6409 determination fee and the fee computation note for DAS; and
- D. Minor revisions or edits that may be necessary for clarification or consistency.

13. zMOD Initiatives

- A. Use Categories
 - (1) Classifications and Related Standards – Create new use classifications and use categories with related use standards to accommodate emerging trends, reduce need for determinations and to more accurately reflect current/future changes in the industry. (Carry over from 2018 zMOD Initiative 5) **(First Tier)**
 - (2) 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. (Carry over from 2018 Initiative 1, to be addressed in the Consolidated Draft Use Regulations)
 - (3) Accessory Dwelling Units - Consider opportunities for expansion of the use of accessory dwelling units for older adults. (Carry over from 2018 Initiative 4A, to be addressed in the Consolidated Draft Use Regulations)
- B. Re-Format and Restructure remaining zoning ordinance 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. (Carry over from 2018 zMOD Initiative 3) **(Second Tier)**
- C. 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. (Carry over from 2018 zMOD Initiative 2) **(TBD)**
- D. Sign Ordinance Part 2 - Consider specific regulations for mixed use districts including a review of the Comprehensive Sign Plan. (Carry over from 2018 zMOD Initiative 4) **(TBD)**