



MEMORANDUM

To: Michael Davis, Parking Program Manager, Land Development Services
From: Nelson\Nygaard
Date: August 9, 2021
Subject: Task 3.1: Review of Current Fairfax County Zoning Code

REVIEW OF CURRENT FAIRFAX COUNTY ZONING CODE

On March 23, 2021, the Fairfax County Board of Supervisors adopted a new Zoning Ordinance created as part of the Zoning Ordinance Modernization project (zMOD). The Ordinance became effective on July 1, 2021. The updated ordinance replaces the previous 1978 ordinance. The Ordinance includes modernized land uses and corrects gaps and inconsistencies in regulations. As part of Phase I of the Ordinance, parking rates were assigned as appropriate to correspond to new land uses.

Parking Goals of the Comprehensive Plan

The current County Comprehensive Plan was adopted in 2017, amended as recently as February 2021, and can be found at <https://www.fairfaxcounty.gov/planning-development/comprehensive-plan/historic/2017>. The Comp Plan consists of a Policy Plan, four Area Plans, and a Plan map. The Policy Plan includes goals, policies, and objectives regarding land use, transportation, housing, the environment, human services, public facilities, parks and recreation, revitalization, economic development, and heritage resources. The Area Plans contain detailed long-range planning recommendations for different geographic areas of the county. The Plan Map illustrates recommended land uses.

Parking and transportation goals of the Comp Plan strive to:

- Provide for movement of people and goods via a multi-modal transportation system that provides transportation choices, reduces single-occupancy-vehicle use and improves air quality.
- Increase use of public transportation and non-motorized transportation
- Ensure that the roadway system provides adequate local access and capacity for through movements.
- Provide a comprehensive network of sidewalks, trails, and bicycle routes as part of the transportation network.
- Promote Transportation Demand Management to support efficient use of Fairfax County's transportation system.

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- Provide transportation facilities and services that minimize community disruption and adverse environmental impacts.
- Ensure a land use pattern which increases transportation efficient, encourages transit use and decreases automobile dependency.

Policy Changes Recommended by the Comprehensive Plan

- Encourage the use of transit while maximizing the use of available parking throughout the day and evening and minimizing the visual impact of parking structures and surface parking lots.
- Incorporate adequate, safe, and secure bicycle parking at all public buildings, park and ride lots, transit facilities, libraries, and schools. Adopt bicycle parking guidelines and policy defining the number of required bicycle parking spaces, approved equipment, and the proper placement/installation of the equipment.
- Implement parking management programs and parking controls in activity centers to encourage use of mass transit, HOV and non-motorized transportation.
- Road design and site design (including the location of parking, transit stops, pedestrian facilities, and secure bicycle parking), and other facilities should be supportive of public transportation usage and non-motorized travel.
- Sharing of parking between uses should be encouraged through the consideration of reductions in the required number of spaces per use.
- Street design should encourage lower traffic speeds and superior pedestrian circulation through provision of on-street parking, street trees, and other features and amenities.
- Promote a balance between the intensity of TOD and the capacity of the multimodal transportation infrastructure provided and affected by TOD, and provide for and accommodate high quality transit, pedestrian, and bicycle infrastructure and services and other measures to limit single occupant vehicle trips.

Parking Elements of the Current Zoning Ordinance

The zoning ordinance provides the legal framework for land development in Fairfax County. As such, it represents the main tool that ensures land development supports the goals of the Comp Plan. Nelson\Nygaard's evaluation of the current zoning code focused on Article 6, Parking and Loading, from the 2021 zoning code.

Section 1 of Article 6 includes regulations on off-street parking applicability. These regulations focus on applicability for parking generally across all land uses. The code also includes off-street parking applicability regulations for change in use, expansion or enlargement of an existing structure or use.

Section 2 of Article 6 regulates off-street parking standards, layout, and design. This section includes regulations on the general location of off-street parking, off-street

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parking requirements in residential districts, off-site parking, additional parking, and use of off-street parking areas.

- Off-street parking design and layout regulations include accessible parking, off-street parking surface and dimensional standards, off-street parking area markings, and compact car parking spaces.
- Off-street parking spaces may be shared between two or more uses when the total number of spaces equals the sum of the minimum number of parking spaces required for each separate use.

Section 3 of Article 6 regulates the calculation of off-street parking.

- Where a given use or building contains a combination of uses, parking must be provided for the sum of the minimum required spaces for each use.
- Where the required number of spaces is not identified for a use, the Zoning Administrator will determine the number of spaces required.
- Electric vehicle charging spaces are included in minimum parking requirements when permitted as an accessory use in Article 4 (subsection 4102.7.E).

Section 4 of Article regulates minimum required off-street vehicle parking spaces. Table 6100.1 in the code includes minimum required off-street vehicle parking spaces for all land uses except for shopping centers, and transit station areas. Shopping center minimum parking requirements are included in Table 6100.2 and transit station area minimum parking requirements are included in 6100.3. Off-street parking requirements for shopping centers applies to all uses in the shopping center except for office use, restaurants, and hotels. Developments designated in the Comp Plan as Transit Station Areas have lower parking requirements. Table 1 shows minimum parking requirements for selected land uses.

Table 1: Selected Minimum Parking Requirements

Land Use	Minimum Parking Requirements
Dwelling, Multifamily	<p>Within TSA:</p> <p>0 or 1 bedroom: 1.3 spaces per unit</p> <p>2 bedrooms: 1.5 spaces per unit</p> <p>3 or more bedrooms: 1.6 spaces per unit</p> <p>Outside TSA: 1.6 spaces per unit</p>
Club, Service Organization, Or Community Center	1 space per 3 persons based on the occupancy load, plus 1 space per employee

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School	Determined by the Director based on the occupancy load of all classroom facilities, auditoriums and stadiums, proposed special education programs, and student-teacher ratios, and the availability of areas on site that can be used for auxiliary parking in times of peak demand; but in no instance less than: Elementary or Intermediate: 1 space per faculty and staff member and other full-time employee, plus 4 spaces for visitors; or High School: 0.3 space per student, based on the maximum number of students attending classes at any one time
Transit Facilities	No minimum requirement, or as determined by the Board or Director
Restaurant	<p>Gross floor area of less than 5,000 square feet: 10 spaces per 1,000 square feet and 10 spaces per 1,000 square feet of outside seating area in excess of 20 outdoor seats.</p> <p>Gross floor area of more than 5,000 square feet: 11 spaces per 1,000 square feet and 11 spaces per 1,000 square feet of outside seating area in excess of 32 outdoor seats.</p> <p>Spaces designated for curb-side pickup cannot be counted toward the minimum required number of parking spaces.</p>

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Office	<p>Within TSA: 0 to 0.25 miles from a metro station entrance along an accessible route: 2 spaces per 1,000 square feet of gross floor area More than 0.25 miles from a metro station entrance along an accessible route: 2.3 spaces per 1,000 square feet gross floor area Outside of TSA: 50,000 square feet of gross floor area or less: 3.6 spaces per 1,000 square feet Greater than 50,000 but less than 125,000 square feet of gross floor area: 3 spaces per 1,000 square feet 125,000 square feet of gross floor area or more: 2.6 spaces per 1,000 square feet The size of the office building is based on the definition of gross floor area as set forth in Article 9: Definitions. Where more than one office building is located on a lot, gross floor area is based on each individual building and not on the total gross floor area of all buildings on the lot. Gross floor area as qualified in Subsection 6100.3 is used to determine the required number of parking spaces. Buildings connected by structures such as atriums, awnings, breezeways, carports, garages, party walls, or plazas are not considered one building.</p>
Goods Distribution Hub	1 space per 1.5 employees on major shift, plus 1 space per company vehicle but with a minimum of 1 space per 1,000 square feet of gross floor area
Shopping Center, 100,000 to 400,000 GFA	4.8 spaces per 1,000 square feet of gross floor area

Section 5 of Article 6 regulates parking reductions authorized by the Director.

- Shared parking reductions may be authorized by the Director.
- Where the minimum number of required parking spaces is provided on site but additional off-street parking is desired, the Director may approve additional parking.
- The Director may reduce minimum parking requirements in Article 6 for specific land uses if the Director determines that fewer spaces will serve the sum of hourly parking demand.

Section 6 of Article 6 regulates off-street parking and stacking alternatives authorized by the Board.

- Shared parking reductions may be authorized by the Board.
- Any parking reduction not meeting requirements for approval by the Director may be approved by the Board. The Board may reduce the number of off-street parking spaces when a proposed development is near a mass transit station or

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within a transit station area. A specific request must be made to the Board to review and authorize a change to minimum or off-site parking requirements.

- The Board may approve alternative off-site parking locations for all uses based on specific conditions. Within commercial revitalization districts the director has authority to approve alternative off-site locations, while the Board has the ability to waive the requirement for all off-street spaces to be located on the same lot for community business centers.
- The Board may reduce stacking spaces.
- For a hotel, conference, or convention center near an airport, the Board may reduce off-street parking spaces.
- The minimum off-street parking requirements for any nonresidential use within the Lake Anne Commercial Revitalization Area may be reduced by the Board.
- For other parking reductions that are not eligible for consideration under this Ordinance, the Board may reduce the total number of parking spaces.

Section 6101 of Article 6 describes the County's requirements for provision of off-street loading spaces for all areas except the PTC District, for which loading regulations appear in section 6102.

- Where a given use or building contains a combination of uses, off-street loading must be provided for the sum of the minimum required spaces for each use.
- If the total number of required loading spaces is uncertain because of the indefiniteness of the proposal, the maximum amount that might be required by the highest category of allowed use applies.
- The minimum size of required loading spaces is 15 feet wide (or 12 feet for two adjacent spaces), 25 feet long, and 15 feet high, but larger dimensions may be required by Land Development Services.
- The updated list of permitted uses is divided into seven categories, each of which has a threshold of 1 space for the first 5,000, 10,000, or 25,000 square feet of gross floor area plus additional spaces required for stated increments above those lower thresholds. The Director may nevertheless require loading spaces for facilities smaller than the stated thresholds for each of the seven categories.

Section 6102 of Article 6 provides an alternative approach to parking and loading standards for the complex and highly planned PTC District, and indicates that portions of Article 6 applicable to other districts may be used as a guide.

- Most parking requirements are established by a parking plan tailored to the proposed land uses and densities and approved by the Board
- The parking plan is required to meet the minimum standards in Table 6102.1 for certain residential, hotel/motel, and office uses, unless adjusted by the Board within stated minimum and maximum limits. Additional parking above that

maximum range is available through a Special Exception based on specific findings by the Board.

Key Omissions from the Code

Transportation Demand Management

The current parking requirements make no reference to transportation demand management (TDM) requirements. TDM goals are established in the Comp Plan. The only references to TDM in the Zoning Ordinance focus on the PTC District. Development applicants in the PTC District must demonstrate that the number of off-street parking spaces is not in excess of the TDM goals identified in the Comp Plan. Regional peers with TDM requirements include Arlington County, City of Alexandria, City of Fairfax, Loudoun County, Montgomery County, Prince George's County and Prince William County.

Bicycle Parking

There are no regulations governing bicycle parking in the Zoning Code. Bicycle parking goals are specified in the Comp Plan, as well as the Fairfax County Bicycle Master Plan. There are references to bicycle paths in Article 2, Article 4, Article 5, and Article 8. There are references to bicycle parking in Article 8 – Administration, Procedures, and Enforcement in special exception plat regulations. However, there is no reference to bicycle parking regulations or minimum parking requirements in the specific parking article. Regional peers with bicycle parking requirements include City of Fairfax, Loudoun County, Montgomery County, Prince George's County and Prince William County.

In-Lieu Parking

There are no regulations governing in-lieu parking in the Zoning Code. The Comp Plan references decreasing automobile travel and parking, something that could be aided by in-lieu fees. While there are references to developer fees across districts and land uses in the Zoning Code, there are no references towards developer fees in lieu of parking or regulations governing in-lieu parking. Regional peers with in-lieu parking include Prince George's County and Henrico County.

Parking Waivers

There are no regulations governing parking waivers (removal of all parking requirements) or the waiver process in the Fairfax zoning code. The Comp Plan references decreasing automobile travel and parking, something that could be aided by parking waivers. There are references to waivers for dustless surfaces in parking lots, but no regulations on waivers for parking. Other types of waivers and waivers for other land uses are regulated in the Code, including special exception waivers in Article 3, Article 4, Article 5, Article 7, and Article 8. Regional peers with parking waiver

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regulations include City of Alexandria, Loudoun County, Montgomery County, Prince George's County and Prince William County.

Electric Vehicle Parking

There are very few regulations governing electric vehicle (EV) parking in the current Zoning Code. EVs are a critical part of the Comp Plan's stated goal of providing transportation facilities and services that minimize community disruption and adverse environmental impacts. Article 4, Use Regulations, contains EV charging regulations but does not reference EV parking. Regulations in Article 6, Parking and Loading, include EV charging spaces in a building's required number of parking spaces if it is an accessory use in accordance with subsection 4102.7. There are no minimum EV parking requirements included in the Zoning Code. Regional peers with EV parking and charging requirements include the City of Fairfax, Montgomery County, and Prince William County.

Tandem and Stacked Parking

The current Zoning Ordinance regulates stacked parking but does not include tandem parking regulations. The Zoning Code refers to tandem parking in the PTC Planned Tysons Corner Urban District in Article 2 – Zoning Districts and Article 6 – Parking and Loading. No county-wide tandem regulations are included in the plan. Stacking parking requirements are included where necessary in the Minimum Required Off-Street Vehicle Parking Spaces table in Article 6. Tandem regulations could be included in stacking parking regulations. Regional peers with tandem parking regulations include the City of Alexandria, Arlington County, the City of Fairfax, Loudoun County, and Montgomery County.

Drive-Through and Stacking

While the Zoning Ordinances contains numerous listed "Drive-Through) uses, and many of those specific uses are subject to section 4102 Use Standards that address required drive-through areas and stacking spaces, it does not contain a section where general requirements for drive-through or stacking space standards can be consolidated and stated once for internal consistency. In addition, many of the stacking space requirements appear dated and not tailored to the context of the areas in which they occur (such as a TOD area or redevelopment area). A consolidated section on Drive-Through and Stacking Areas would allow for better coordination of these standards with other Zoning Ordinance standards to pedestrian-oriented design and reduce auto-dependency,