

## 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 considered 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 ZOWP) 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 ZOWP) 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 ZOWP) 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 ZOWP) 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 ZOWP – 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

<sup>12</sup> Modifications and waivers were considered with zMOD.

<sup>13</sup> This item dates to the 2014 Work Program and is outdated.