



**McLean Citizens Association Resolution**  
**Zoning Ordinance Modernization Project**  
**January 6, 2021**

**Whereas**, in 2017 the Fairfax County Planning and Zoning staff (the “ Staff”) embarked upon the Zoning Ordinance Modernization Project, (“zMOD”) a major initiative to modernize Fairfax County’s 40-year old Zoning Ordinance, intended to: modernize permitted uses and regulations; make the Zoning Ordinance easier to understand; and create a streamlined, user-friendly document with tables, graphics, and hyperlinks; and

**Whereas**, the November 24, 2020 zMOD proposal (the “Proposal”) presented to a committee of the Board of Supervisors also includes “amendments to zoning laws by prioritizing proposed changes of county-wide significance,” while avoiding the ordinary process of subjecting each of the proposed amendments to a process of public comment; and

**Whereas**, the Zoning Ordinance regulates the use of land and structures that can be built to provide for the protection and enjoyment of properties, appropriate and compatible uses of properties, as well as to permit and provide for the orderly development and growth of the County; and

**Whereas**, the Proposal includes many zoning ordinance amendments that would significantly impact the physical appearance and quality of life in McLean and in the other portions of the County; and

**Whereas**, the Proposal has been the subject of lengthy and considerable efforts by the Staff and includes a number of commendable provisions, certain provisions are either undesirable or should be further evaluated for their value and impact on communities, as discussed below.

**Now, therefore be it resolved**, that the McLean Citizens Association (the “MCA”) supports the Project’s initial goals: to modernize permitted uses and regulations; make the Zoning Ordinance easier to understand; and create a streamlined, user-friendly document with tables, graphics, and hyperlinks.

**Be it further resolved that**, MCA supports the Proposal's provisions to address and provide a zoning framework for newer commercial, public, institutional and community uses such as solar power facilities, electric vehicle charging and data centers, last-mile distribution hubs, and private collection of solar energy as an accessory use in residential areas.

**Be it further resolved that,** MCA supports the Proposal's intent not to interfere with, limit, or invalidate any easements, covenants, or other agreement between parties, such as declarations of covenants, conditions, and restrictions for homeowner associations which are intended to run with the land and are binding on homeowner association property owners.

**Be it further resolved that,** MCA supports proposed changes to rear setback requirements for residential corner lots which had been proposed by MCA to prevent overbuilding these properties.

**Be it further resolved that,** MCA has reviewed and discussed the Proposal and while generally supportive of the Proposal, it is opposed to a number of its proposed provisions discussed below.

**Be it further resolved that,** due to the unevaluated but likely considerable strain the additional residential density could place on school overcrowding and local infrastructure MCA does not support the following Proposal's provisions regarding **Accessory Living Units (ALUs)** on pages 40-46:

MCA opposes the Proposal's provision for an option for the Board that would remove the current requirement that someone on the property, either in the principal dwelling or the ALU, be at least 55 years in age or a person with a disability.

MCA opposes the Proposal's provision for an option for the Board that would allow the size limitation to be exceeded if the ALU is proposed to fully utilize the floor area in a basement or cellar, since basements with their own entrances effectively create duplex dwelling units; the ordinance should apply the size limitation to basements with their own entrances, unless they are to be occupied by family member(s) over 55 years of age or persons with disabilities.

**Be it further resolved that,** in order to minimize the encroachment of commercial-like uses on areas that are primarily zoned as residential, MCA does not support the following Proposal's provisions regarding **Home-based Businesses** on pages 47-48:

MCA opposes the Proposal's provision for the Board to allow "zero to four customers on-site at one time and zero to eight customers on-site in any one day"; MCA supports no more than 2 customers at a time and a maximum of 6 customers in a day, for all dwelling unit types.

MCA opposes the Proposal's provision that would allow a by-right display of 12 square feet of permanent yard signs for home-based businesses in residential districts, since commercial signage should be restricted differently than personal expression.

MCA opposes the Proposal's provision that would allow home-based businesses to obtain administrative permits for up to 21 days of **Special Events** in residential districts.

**Be it further resolved that**, in order to ensure structure compatibility in residential neighborhoods, MCA does not support the following Proposal’s provisions regarding **Freestanding Accessory Structures** on pages 18-19:

MCA opposes the Proposal’s provisions that would allow by-right an unlimited number of **Accessory Storage Structures** with a combined enclosed area of up to 50 percent of the gross floor area of the principal structure.

MCA opposes the Proposal’s provisions for the Board to allow a by-right increase in the height of **Freestanding Accessory Structures** to 25 feet; the ordinance should include a maximum by-right height of 15 feet on lots under 36,000 square feet, and the BZA may approve a special permit for an increase in height.

**Be it further resolved that**, certain uses should require additional review considering neighborhood impact, so MCA opposes the following Proposal’s provisions that require only an **Administrative Permit**, unless such permits are conditioned on stronger standards and increased public notice and participation, in particular:

MCA opposes the Proposal’s provisions to allow **home-based businesses** in residential districts through administrative approval; the existing public hearing process should continue to be required.

MCA opposes the Proposal’s provisions to allow **accessory living units** through administrative approval; the existing public hearing process should continue to be required.

MCA opposes the Proposal’s provisions that allow **Food Trucks** in residential districts through administrative approval, on pages 376-8; the ordinance should include additional standards for days, number of trucks, location and distance relative to residential properties.

MCA opposes the Proposal’s provisions that allow **Special Events** hosted by home-based businesses in residential districts through just an administrative approval, on pages 383-4; the ordinance should include stronger limitations on commercial and promotional special events by home-based businesses in residential districts.

**Be it further resolved that**, MCA supports the Proposal’s recognition of maximum building heights in the Comprehensive Plan for **Commercial Revitalization Districts (CRDs)** on page 209, provided that the zoning ordinance specifies definitive standards for calculating height (e.g., inclusive of Affordable Dwelling Units and Workforce Dwelling Units), intended use, floor heights, and a limited vertical addition of not more than 10% of total building height for a mechanical penthouse.

**Be it further resolved that**, MCA opposes the Proposal’s provisions that allow the Board to reduce parking below requirements in the Comprehensive Plan for **Commercial Revitalization**

**Districts (CRDs)** at 3102.3.E.2 on pages 210-11; the ordinance should require that the Board take into consideration whether a CRD is readily accessible by mass transit.

**Be it further resolved that,** MCA opposes the Proposal’s provisions that would eliminate the 50 foot minimum dimension requirement for **Cluster Subdivision Open Space** on page 21; the ordinance should retain the current requirement for Board approval of a waiver of the 50 foot minimum dimension.

**Be it further resolved that,** MCA opposes the Proposal’s proposed removal of the current requirement for Planned “P” districts to generally conform with the bulk regulations and landscaping and screening provisions of the most similar conventional zoning district, on pages 7-8; this regulation should be retained in order to limit the visual impact on existing neighborhoods from adjacent new planned development.

**Be it further resolved that,** MCA requests additional restrictions on storage of vehicles on properties in residential districts, including:

Vehicle Storage limits (page 354) in the Proposal should establish that covering a vehicle with a tarp or fitted vehicle cover does not alone satisfy the definition of “completely screened from view” in accordance with County Code.

Vehicle Storage limits (page 354) in the Proposal and Article 6 Residential Parking (page 509) should each include a limit on the number of vehicles regularly kept outdoors, with an advertised range of 7 to 9 vehicles.

*Approved by the MCA Board of Directors*

*January 6, 2021*

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McLean Citizens Association, P.O. Box 273, McLean, Virginia 22101

Cc: John Foust, Dranesville District Supervisor  
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