



Reston Citizens
Association

January 19, 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 hyperlink, and

WHEREAS, the [November 24, 2020 zMOD proposal](#) (the “Proposal”) presented to the Board of Supervisors (the “Board”) also includes “amendments to zoning laws by prioritizing proposed changes of county-wide significance,” while avoiding the long standing and useful process of subjecting each of the proposed amendments to a process of public comment, and

WHEREAS the Proposal includes many zoning ordinance amendments that would significantly impact the physical appearance and quality of life in Reston and in the other portions of the County, and

WHEREAS added social and community stressors caused by COVID-19 have negatively impacted the amount of time given to the public to review and comment on the document of over 700 pages; and

WHEREAS Reston Citizens Association (RCA)’s mission is to promote Reston’s vision and planning principles, to sustain and enhance its quality of life now and in the future, by serving as a non-partisan, citizen centered organization for all people living in Reston now and in the years to come.

NOW, THEREFORE, BE IT RESOLVED that RCA strongly urges the Board to restore zMOD to its original mission to modernize existing permitted uses and regulations and to make the Zoning Ordinance easier to understand; and

BE IT FURTHER RESOLVED that RCA strongly opposes the introduction of multiple provisions to the zMOD proposal that have not been properly assessed and reviewed by those directly affected by the long term impact these untested measures would have on established communities; and

BE IT FURTHER RESOLVED that RCA finds many of these new proposals to be inadequately thought out with little to no understanding of the actual effect such measures will have on the citizens of Fairfax County. Specifically, we believe controversial proposals such as those changing regulations and zoning on Accessory Living Unit (“ALU”), Home Based Business (“HBB”), Food Trucks, Parking, and signage should be removed from the current zMOD proposal and given due consideration with full community participation during the expected second phase of zMOD review; and

BE IT FURTHER RESOLVED that RCA finds utility in many of those portions of zMOD that adhere to its original advertised mission and we support these provisions going forward if the problematic measures are removed. A detailed review of the measures we support and those that should be deferred for future study is contained in the following Appendix.

Approved by the Board of Directors of Reston Citizens Association, January 19, 2021

Dennis Hays, President

Lynne Mulston, Vice President

Reston Citizens Association

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APPENDIX

WHEREAS RCA 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, as appropriate in the circumstance, without any direction to do so.

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

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

Be it further resolved that, RCA 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 RCA does not support the following Proposal's provisions regarding Accessory Living Units ("ALUs") on pages 40-46 of the Proposal:

- RCA 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.
- RCA 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, RCA does not support the following Proposal's provisions regarding Home-based Businesses ("HBBs") on pages 47-48 of the Proposal:

- RCA 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".
- RCA supports no more than 2 customers at a time and a maximum of 6 customers in a day, for all dwelling unit types.
- RCA opposes the Proposal's provision that would allow a by-right display of 12 square feet of permanent yard signs for HBBs in residential districts, since commercial signage should be restricted differently than personal expression.
- RCA opposes the Proposal's provision that would allow HBBs 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, RCA does not support the following Proposal's provisions regarding Freestanding Accessory Structures on pages 18-19 of the Proposal):

- RCA 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.
- RCA 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 Board of Zoning Appeals 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 RCA 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:

- RCA opposes the Proposal's provisions to allow HBBs in residential districts through administrative approval; the existing public hearing process should continue to be required.
- RCA opposes the Proposal's provisions to allow ALUs through administrative approval; the existing public hearing process should continue to be required. RCA opposes the Proposal's provisions that allow Food Trucks in residential districts through administrative approval, on pages 376-8 of the Proposal; the ordinance should include additional standards for days, number of trucks, location and distance relative to residential properties.
- RCA 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 of the Proposal; the ordinance should include stronger limitations on commercial and promotional special events by HBBs in residential districts.

Be it further resolved that, RCA supports the Proposal's recognition of maximum building heights in the Comprehensive Plan for Commercial Revitalization Districts ("CRDs") on page 209 of the Proposal, provided that the 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, RCA 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 of the Proposal; the ordinance should require that the Board take into consideration whether a CRD is readily accessible by mass transit.

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

Be it further resolved that, RCA 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 of the Proposal; 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, RCA 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.

Be it further resolved that, RCA requests that the environmental easement set forth is clarified to ensure that the 25' easement noted specifies that trees and other 'green' growth are not negatively impacted.

Be it further resolved that, RCA is concerned with the efficacy of the relationships and actions related to or between County staff and consultants/contractors associated with zMOD; and to further include consultant/contractor direct presentation and actions with citizens and businesses of the County.

Be it further resolved that, RCA asks that the appropriateness of proceeding with zMOD in relation to Governor Northam's COVID-19 regulations and that such proceedings be examined by appropriate legal authority.

Be it further resolved that, RCA requests that watershed, tree canopy, wildlife habitat, and air quality not be negatively impacted from the existing zoning ordinance to any changed zoning ordinance.

CC: Jeffrey McKay, Chair, Board of Supervisors, County of Fairfax
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