

PROPOSED AMENDMENT

This proposed Zoning Ordinance amendment is based on the Zoning Ordinance in effect as of XX XX, 2014 and there may be other proposed amendments which may affect some of the numbering, order or text arrangement of the paragraphs or sections set forth in this amendment, which other amendments may be adopted prior to action on this amendment. In such event, any necessary renumbering or editorial revisions caused by the adoption of any Zoning Ordinance amendments by the Board of Supervisors prior to the date of adoption of this amendment will be administratively incorporated by the Clerk in the printed version of this amendment following Board adoption.

*STAFF NOTE: Changes to the Proposed Amendment as Authorized (August 27, 2013 version) are noted as follows: Deletions to existing text are struck through and revised or added text is underlined and in **bold italics***

1 Amend Article 20, Ordinance Structure, Interpretations and Definitions, by amending
2 Part 3, Definitions, to add the following definition of RESIDENTIAL STUDIOS in its
3 proper alphabetical order, as follows:
4

5 RESIDENTIAL STUDIOS: A multiple family residential building(s) or portion(s) of a
6 building(s), comprised of not less than three (3) nor more than seventy-five (75) efficiency (zero
7 bedroom) dwelling units on a lot, subject to further limitations imposed by the Board, and which
8 may include permitted accessory uses and structures that are designed to be used solely by the
9 tenants of such residential studio units. ***In the Residential and Planned Development Housing***
10 ***Districts where permitted, the number of residential studios on a lot shall be no less than thirty***
11 ***(30). In all districts where permitted, the maximum number of residential studios that could***
12 ***be permitted on a lot shall be seventy-five (75).*** Occupancy shall be limited to rental tenants
13 only, ~~wherein,~~ Not less than eighty (80) percent of the total number of units shall be subject to
14 tenant income and rental rate limits such that the units serve households whose income is not
15 more than sixty (60) percent of the median income for the Washington Metropolitan Statistical
16 Area (WMSA). Such use shall not be subject to or a substitute for the provisions of Part 8 of
17 Article 2.
18

19 *STAFF NOTE: The proposed definition continues to require that the units be of efficiency design*
20 *because these small zero bedroom units provide for natural affordability and address a need for*
21 *this type of housing unit. County 2012 data suggests that more than 23% of the population lives*
22 *alone as a single household, but less than 1% of the total number of housing units in the County*
23 *are efficiency units. The revised definition now requires a 30 unit minimum in the Residential*
24 *and Planned Development Housing PDH Districts (See changes to Articles 3 and 6 below)*
25 *which will help distinguish this multiple family residential use from other kinds of residential use*
26 *that may be multiple family in nature, i.e. independent living facilities, congregate living*
27 *facilities or assisted living facilities. In all districts where permitted the maximum number of*
28 *units remains at 75.*
29
30

Amend Article 2, General Regulations, as follows:

- Amend Part 5, Qualifying Use, Structure Regulations, Sect. 2-501, Limitation on the Number of Dwelling Units on a Lot, to read as follows:

There shall be not more than one (1) dwelling unit on any one (1) lot, nor shall a dwelling unit be located on the same lot with any other principal building. This provision shall not be deemed, however, to preclude multiple family dwelling units or residential studios as permitted by the provisions of this Ordinance; an accessory use or accessory service use as may be permitted by the provisions of Article 10; an accessory dwelling unit as may be approved by the BZA in accordance with the provisions of Part 9 of Article 8; single family attached dwellings in a rental development; or a condominium development as provided for in Sect. 409 above; or antennas and/or related unmanned equipment structures for a mobile and land based telecommunications facility mounted on a utility distribution pole, utility transmission pole or light/camera standard in accordance with the provisions of Sect. 514 below.

In addition, in all districts, the Board or BZA, in conjunction with the approval of a special exception or special permit use, may allow dwelling units for a proprietor, owner and/or employee and his/her family whose business or employment is directly related to the special exception or special permit use. Such dwelling units may either be located within the same structure as the special exception or special permit use or in separate detached structures on the same lot. If located in separate detached structures, such dwelling units shall meet the applicable bulk regulations for a principal structure set forth in the specific district in which located, and any locational requirements set forth as additional standards for a special exception or special permit use shall not be applicable to detached structures occupied by dwelling units.

Amend Article 3, Residential District Regulations, as follows:

STAFF NOTE: The Board of Supervisors and the Planning Commission directed staff to remove Residential Studios from consideration in those residential districts where single family detached dwellings are permitted. Therefore, the Residential Studio Use has been eliminated from the previously included R-E through R-8 Districts. In the R-12 through R-30 Districts, Residential Studios can be developed only with the approval of a Special Exception by the Board of Supervisors

~~—Amend Part E, R-E Residential-Estate District, by adding a new Par. 3N to Sect. 3-E04, Special Exception Uses, as follows:~~

~~3. Category 3—Quasi-Public Uses, limited to:~~

~~N. Residential studios~~

~~—Amend Part 1, R-1 Residential District, One Dwelling Unit/Acre District, by adding a new Par. 3N to Sect. 3-104, Special Exception Uses, as follows:~~

~~3. Category 3—Quasi-Public Uses, limited to:~~

~~N. Residential studios~~

1 ~~—Amend Part 2, R-2 Residential District, Two Dwelling Units/Acre, by adding a new Par. 30 to~~
2 ~~Sect. 3-204, Special Exception Uses, as follows:~~

3
4 3. ~~Category 3 Quasi Public Uses, limited to:~~

5 ~~O. Residential studios~~
6
7

8 ~~—Amend Part 3, R-3 Residential District, Three Dwelling Units/Acre, by adding a new Par. 20 to~~
9 ~~Sect. 3-304, Special Exception Uses, as follows:~~

10
11 2. ~~Category 3 Quasi Public Uses, limited to:~~

12 ~~O. Residential studios~~
13

14 ~~—Amend Part 4, R-4 Residential District, Four Dwelling Units/Acre, by adding a new Par. 20 to~~
15 ~~Sect. 3-404, Special Exception Uses, as follows:~~

16
17 2. ~~Category 3 Quasi Public Uses, limited to:~~

18 ~~O. Residential studios~~
19

20 ~~—Amend Part 5, R-5 Residential District, Five Dwelling Units/Acre, by adding a new Par. 20 to~~
21 ~~Sect. 3-504, Special Exception Uses, as follows:~~

22
23 2. ~~Category 3 Quasi Public Uses, limited to:~~

24 ~~O. Residential studios~~
25
26

27 ~~—Amend Part 8, R-8 Residential District, Eight Dwelling Units/Acre, by adding a new Par. 20 to~~
28 ~~Sect. 3-804, Special Exception Uses, as follows:~~

29
30 2. ~~Category 3 Quasi Public Uses, limited to:~~

31 ~~O. Residential studios~~
32

33 - ~~Amend Part 12, R-12 Residential District, Twelve Dwelling Units/Acre, by adding a new Par. 20~~
34 ~~to Sect. 3-1204, Special Exception Uses, as follows:~~

35
36 2. ~~Category 3 - Quasi-Public Uses, limited to:~~

37 ~~O. Residential studios~~
38

39 - ~~Amend Part 16, R-16 Residential District, Sixteen Dwelling Units/Acre, by adding a new Par. 20~~
40 ~~to Sect. 3-1604, Special Exception Uses, as follows:~~

41
42 2. ~~Category 3 - Quasi-Public Uses, limited to:~~

43 ~~O. Residential studios~~
44

45 - ~~Amend Part 20, R-20 Residential District, Twenty Dwelling Units/Acre, by adding a new Par. 20~~
46 ~~to Sect. 3-2004, Special Exception Uses, as follows:~~

47
48 2. ~~Category 3 - Quasi-Public Uses, limited to:~~

49 ~~O. Residential studios~~
50

- 1 - Amend Part 30, R-30 Residential District, Thirty Dwelling Units/Acre, by adding a new Par. 2O
2 to Sect. 3-3004, Special Exception Uses, as follows:

- 3
4 2. Category 3 - Quasi-Public Uses, limited to:

5 O. Residential studios
6
7

8 **Amend Article 4, Commercial District Regulations, as follows:**
9

- 10 - Amend Part 1, C-1 Low-Rise Office Transitional District by adding a new Par. 2K to Sect. 4-104,
11 Special Exception Uses, as follows:

- 12
13 2. Category 3 - Quasi-Public Uses, limited to:

14 K. Residential studios
15

- 16 - Amend Part 2, C-2 Limited Office District, by adding a new Par. 2K to Sect. 4-204, Special
17 Exception Uses, as follows:

- 18
19 2. Category 3 - Quasi-Public Uses, limited to:

20 K. Residential studios
21

- 22 - Amend Part 3, C-3 Office District and Part 9, C-9 Super-Regional Retail Commercial District,
23 by adding a new Par. 2J to Sections 4-304 and 4-904, Special Exception Uses, as follows:

- 24
25 2. Category 3 - Quasi-Public Uses, limited to:

26 J. Residential studios
27

- 28 - Amend Part 4, C-4 High Intensity Office District, by adding a new Par. 2I to Sect. 4-404, Special
29 Exception Uses, as follows:

- 30
31 2. Category 3 - Quasi-Public Uses, limited to:

32 I. Residential studios
33

- 34 - Amend Part 5, C-5 Neighborhood Retail Commercial District, by adding a new Par. 2H to Sect.
35 4-504, Special Exception Uses, as follows:

- 36
37 2. Category 3 - Quasi-Public Uses, limited to:

38 H. Residential studios
39

- 40 - Amend Part 6, C-6 Community Retail Commercial District, by adding a new Par. 2H to Sect.
41 4-604, Special Exception Uses, as follows:

- 42
43 2. Category 3 - Quasi-Public Uses, limited to:

44 H. Residential studios
45

- 46 - Amend Part 7, C-7 Regional Retail Commercial District, by adding a new Par. 2I to Sect. 4-704,
47 Special Exception Uses, as follows:

- 48
49 2. Category 3 - Quasi-Public Uses, limited to:

50 I. Residential studios

- 1
2 - **Amend Part 8, C-8 Highway Commercial District by adding a new Par. 2I to Sect. 4-804, Special**
3 **Exception Uses, as follows:**

- 4
5 2. Category 3 - Quasi-Public Uses, limited to:
6 I. Residential studios
7

- 8 - **Amend Part 9, C-9 Super-Regional Retail Commercial District, by adding a new Par. 2J to Sect.**
9 **4-904, Special Exception Uses, as follows:**

- 10
11 2. Category 3 - Quasi-Public Uses, limited to:
12 J. Residential studios
13
14

15 **Amend Article 5, Industrial District Regulations, as follows:**

- 16
17 - **Amend Part 1, I-1 Light Industrial Research District, by adding a new Par. 3L to Sect. 5-104,**
18 **Special Exception Uses, as follows:**

- 19
20 3. Category 3 - Quasi-Public Uses, limited to:
21 L. Residential studios
22

- 23 - **Amend Part 2, I-2 Industrial Research District, by adding a new Par. 3M to Sect. 5-204, Special**
24 **Exception Uses, as follows:**

- 25
26 3. Category 3 - Quasi-Public Uses, limited to:
27 M. Residential studios
28

- 29 - **Amend Part 3, I-3 Light Intensity Industrial District, by adding a new Par. 3M to Sect. 5-304,**
30 **Special Exception Uses, as follows:**

- 31
32 3. Category 3 - Quasi-Public Uses, limited to:
33 M. Residential studios
34

- 35 - **Amend Part 4, I-4 Medium Intensity Industrial District, by adding a new Par. 3L to Sect. 5-404,**
36 **Special Exception Uses, as follows:**

- 37
38 3. Category 3 - Quasi-Public Uses, limited to:
39 L. Residential studios
40

- 41 - **Amend Part 5, I-5 General Industrial District, by adding a new Par. 3I to Sect. 5-504, Special**
42 **Exception Uses, as follows:**

- 43
44 3. Category 3 - Quasi-Public Uses, limited to:
45 I. Residential studios
46

- 1 - Amend Part 6, I-6 Heavy Industrial District, by adding a new Par. 3I to Sect. 5-604, Special
2 Exception Uses, as follows:

3
4 3. Category 3 - Quasi-Public Uses, limited to:

5 I. Residential studios
6
7

8 Amend Article 6, Planned Development District Regulations, as follows:
9

- 10 - Amend Part 1, PDH Planned Development Housing District, as follows:

- 11
12 - ~~Amend Sect. 6-103, Secondary Uses Permitted, by adding new Par. 17O, as follows:~~

13
14 ~~17. Quasi-public uses (Category 3), limited to:~~

15 ~~O. Residential studios~~
16

- 17 - Amend Sect. 6-105, Special Exception Uses, by adding new Par. 2 and renumbering
18 subsequent paragraphs accordingly, as follows:

19
20 2. Category 3 - Quasi-Public Uses, limited to residential studios in the PDH-12
21 District and above
22

- 23 - Amend Sect. 6-106, Use Limitations, by adding a new Par. 12, as follows:

24
25 12. Residential studios approved in accordance with Sect. 403 and 105 above shall be subject to
26 the provisions of Sect. 9-315.
27

28 *STAFF NOTE: Although the PDH Districts permit a mix of dwelling unit types in*
29 *all of the PDH Districts, the amendment has been revised to specifically eliminate*
30 *Residential Studios from consideration in the PDH-1 through PDH-8 Districts,*
31 *similar to the residential districts. In the PDH-12 through PDH-40 Districts,*
32 *Residential Studios will only be permitted with Special Exception approval, even if*
33 *proposed in conjunction with a rezoning, proffered condition amendment or final*
34 *development plan approval or an amendment to a final development plan.*
35
36

- 37
38 - Amend Par. 2 of Sect. 6-110, Open Space, as follows:
39

40 2. As part of the open space to be provided in accordance with the provisions of Par. 1 above,
41 there shall be a requirement to provide recreational facilities in all PDH Districts. The
42 provision of such facilities shall be subject to the provisions of Sect. 16-404, and such
43 requirements shall be based on a minimum expenditure of \$1700 per dwelling unit for such
44 facilities and either:

45
46 A. The facilities shall be provided on-site by the developer in substantial conformance
47 with the approved final development plan, and/or

48
49 B. The Board may approve the provision of the facilities on land which is not part of the
50 subject PDH District.

Notwithstanding the above, in affordable dwelling unit developments and/or residential studio developments, the requirement for a per dwelling unit expenditure shall not apply to affordable dwelling units and/or to such residential studios.

- Amend Part 2, PDC Planned Development Commercial District, as follows:

—~~Amend Sect. 6-203, Secondary Uses Permitted, by adding New Par. 13O, as follows:~~

- ~~13. Quasi-public uses (Category 3), limited to:
O. Residential studios~~

- Amend Sect. 6-205, Special Exception Uses, by adding new Par. 2 and renumbering subsequent paragraphs accordingly, as follows:

2. Category 3 - Quasi-Public Uses, limited to residential studios

- Amend Sect. 6-206, Use Limitations, by adding a new Par. 16, as follows:

16. Residential studios approved in accordance with Sect. 203 and 205 above shall be subject to the provisions of Sect. 9-315.

- Amend Sect. 6-209, Open Space, by amending Par. 2, as follows:

2. In a PDC development where dwelling units are proposed as a secondary use, as part of the open space to be provided in accordance with the provisions of Par. 1 above, there shall be a requirement to provide recreational facilities for the enjoyment of the residents of the dwelling units. The provision of such facilities shall be subject to the provisions of Sect. 16-404 and such requirement shall be based on a minimum expenditure of \$1700 per dwelling unit for such facilities and either:
- A. The facilities shall be provided on-site by the developer in substantial conformance with the approved final development plan. In the administration of this provision, credit shall be considered where there is a plan to provide common recreational facilities for the residents of the dwelling units and the occupants of the principal uses, and/or
- B. The Board may approve the provision of the facilities located on property which is not part of the subject PDC District.

Notwithstanding the above, in affordable dwelling unit developments and/or residential studio developments, the requirement for a per dwelling unit expenditure shall not apply to affordable dwelling units and/or to such residential studios.

- Amend Part 3, PRC Planned Residential Community District, as follows:

—~~Amend Sect. 6-302, Permitted Uses, by adding new Par. E(16)(g), as follows:~~

- ~~(16) Quasi-public uses (Category 3), limited to:
(g.) Residential studios~~

- 1
2 - Amend Sect. 6-304, *Special Exception Uses*, by adding new Par. 6, as follows:
3

4 6. Quasi-public uses (Category 3), limited to residential studios
5

- 6 - Amend Sect. 6-305, *Use Limitations*, by revising Par. 6 and add a new Par. 15 to read as
7 follows:
8

9 6. In areas approved for low density residential uses, no multiple family dwellings shall be
10 allowed, except if such dwellings are proffered workforce dwelling units, residential
11 studios, or are provided pursuant to Part 8 of Article 2 and such uses are specifically
12 shown on the approved development plan.
13

14 15. Residential studios approved in accordance with Sect. 302 and 304 above shall be subject
15 to the provisions of Sect. 9-315.
16

- 17 - Amend Part 4, PRM Planned Residential Mixed Use District, as follows:
18

19 ~~—Amend Sect. 6-403, Secondary Uses Permitted, by adding new Par. 17K, as follows:~~
20

21 ~~17. K. Residential studios—~~
22

- 23 - Amend Sect. 6-405, *Special Exception Uses*, by adding new Par. 2B, as follows:
24

25 2. B. Residential studios
26

- 27 - Amend Sect. 6-406, *Use Limitations*, by adding a new Par. 13, as follows:
28

29 13. Residential studios approved in accordance with Sect. 403 and 405 above shall be subject
30 to the provisions of Sect. 9-315.
31

- 32 - Amend Par. 2 of Sect. 6-409, *Open Space*, as follows:
33

34 2. In addition to Par. 1 above, there shall be a requirement to provide recreational facilities.
35 The provision of such facilities shall be subject to the provisions of Sect. 16-404,
36 however, recreational facilities, such as swimming pools, exercise rooms, or health clubs,
37 which are located on rooftops, deck areas and/or areas within a building, may be used to
38 fulfill this requirement. The requirement for providing recreational facilities shall be
39 based on a minimum expenditure of \$1700 per dwelling unit for such facilities and either:
40

41 A. The facilities shall be provided on-site by the developer in substantial conformance
42 with the approved final development plan, and/or
43

44 B. The Board may approve the provision of the facilities on land which is not part of the
45 subject PRM District.
46

47 Notwithstanding the above, in affordable dwelling unit developments and/or residential
48 studio developments, the requirement for a per dwelling unit expenditure shall not apply
49 to affordable dwelling units and/or to residential studios.
50

1 - Amend Part 5, PTC Planned Tysons Corner Urban District, as follows:

2
3 ~~Amend Sect. 6-502, Permitted Uses, by adding new Paragraphs 25O, as follows:~~

4
5 25. ~~Category 3, Quasi-Public Uses, Limited to:~~

6
7 O. Residential Studios

8
9 - Amend Sect. 6-504, Special Exception Uses, by adding new Paragraphs 2A(2), as follows:

10
11 2. The following uses shall only be permitted with the approval of a special exception:

12
13 A. Category 3 - Quasi-Public Uses, limited to:

14 (1) Sports arenas, stadiums

15 (2) Residential studios

16
17 - Amend Sect. 6-505, Use Limitations, by adding a new Par. 20, as follows:

18
19 20. Residential studios approved in accordance with Sect. 502 and 504 above shall be subject to
20 the provisions of Sect. 9-315.

21
22 - Amend Sect. 6-508, Open Space, as follows:

23
24 2. In addition to Par. 1 above, there shall be a requirement to provide recreational facilities. The
25 provision of such facilities shall be subject to the provisions of Sect. 16-404, however,
26 recreational facilities, such as swimming pools, exercise rooms, or health clubs, which are
27 located on rooftops, deck areas and/or areas within a building, may be used to fulfill this
28 requirement. The requirement for providing recreational facilities shall be based on a
29 minimum expenditure of \$1700 per dwelling unit for such facilities and either:

30
31 A. The facilities shall be provided on-site by the developer in substantial conformance with
32 the approved final development plan; and/or

33
34 B. The Board may approve the provision of the facilities on land that is not part of the
35 subject PTC District.

36
37 Notwithstanding the above, in affordable dwelling unit developments and/or residential studio
38 developments, the requirement for a per dwelling unit expenditure shall not apply to affordable
39 dwelling units and/or to residential studios.

40
41
42 Amend Article 9, Special Exceptions, as follows:

43
44 - Amend Part 3, Category 3, Quasi-Public Uses, by adding new Par. 16 to Sect. 9-301,
45 Category 3 Special Exception Uses; by identifying the districts in which such use can be
46 located in Sect. 9-302, Districts in Which Category 3 Uses May be Located; and by
47 creating a new Sect. 9-315, Additional Standards for Residential Studios, all to read as
48 follows:
49

- 9-301 Category 3 Special Exception Uses

1. Colleges, universities.
2. Conference centers and retreat houses, operated by a religious or nonprofit organization.
3. Cultural centers, museums and similar facilities.
4. Independent living facilities.
5. Congregate living facilities.
6. Medical care facilities.
7. Private clubs and public benefit associations.
8. Quasi-public parks, playgrounds, athletic fields and related facilities.
9. Sports arenas, stadiums as a principal use.
10. Child care centers and nursery schools.
11. Private schools of general education.
12. Private schools of special education.
13. Alternate uses of public facilities.
14. Dormitories, fraternity/sorority houses, rooming/boarding houses, or other residence halls providing off-campus residence for more than four (4) unrelated persons who are students, faculty members, or otherwise affiliated with an institution of higher learning.
15. Churches, chapels, temples, synagogues and other such places of worship with a child care center, nursery school or private school of general or special education.
16. Residential studios.

- 9-302 Districts in Which Category 3 Uses May be Located

1. Category 3 uses may be permitted by right in the following districts:

PDH, PDC, PTC Districts: Limited to uses 1, 2, 3, 4, 5, 6, 7, 8, 10, 11, 12, 13, 14, and 15, and 16 when represented on an approved development plan

PRC District: All uses when represented on an approved development plan

PRM District: Limited to uses 1, 3, 4, 5, 6, 7, 10, 11, 12, and 15, and 16 when represented on an approved development plan

~~C-1, C-2 Districts: Limited to quasi-public athletic fields, uses 10, 11, 12 and 15~~

~~C-3 District: Limited to uses 3, quasi-public athletic fields, 10, 11, 12 and 15~~

~~C-4 District: Limited to uses 1, 3, quasi-public athletic fields, 10, 11, 12 and 15~~

~~C-5, C-6, C-7, C-8 Districts: Limited to uses 1, 3, 7, quasi-public athletic fields, 11 and 12~~

~~C-9 District: Limited to quasi-public athletic fields, uses 11 and 12~~

~~I-1 District: Limited to uses 10 and 11~~

~~I-1, I-2, I-3, I-4, I-5 Districts: Limited to quasi-public athletic fields, uses 10, 11 and 12~~

~~I-6 District: Limited to quasi-public athletic fields, uses 10 and 11~~

2. Category 3 uses may be allowed by special exception in the following districts:

R-A District: Limited to uses 8, nursery schools, 11 and 13

R-P District: Limited to uses 8, nursery schools, 11, 13 and 15

R-C District: Limited to uses 3, 5, private clubs, 8, nursery schools, 11, 13, 14,

R-E, R-1 Districts: Limited to uses 1, 3, 4, 5, 6, 7, 8, 10, 11, 12, 13, 14, and 15 and 16

R-2, R-3, R-4, R-5, R-8 Districts: Limited to uses 1, 2, 3, 4, 5, 6, 7, 8, 10, 11, 12, 13, 14, and 15 and 16

R-12, R-16, R-20, R-30, ~~R-MHP~~ Districts: Limited to uses 1, 2, 3, 4, 5, 6, 7, 8, 10, 11, 12, 13, 14, 15 and 16

R-MHP District: Limited to uses 1, 2, 3, 4, 5, 6, 7, 8, 10, 11, 12, 13, 14 and 15

PRM, PTC Districts: Limited to uses 9 and 16

PDH-12 or above, PDC, PRC: Limited to use 16

C-1, C-2 Districts: Limited to uses 1, 2, 3, 4, 5, 6, 7, 8, 13, ~~and 14~~ and 16

C-3 District: Limited to uses 1, 2, 4, 5, 6, 7, 8, 13, ~~and 14~~ and 16

C-4 District: Limited to uses 2, 4, 5, 6, 7, 8, 13, ~~and 14~~ and 16

C-5, C-6 Districts: Limited to uses 2, 6, 8, 10, 13, 14, ~~and 15~~ and 16

C-7, C-8 Districts: Limited to uses 2, 6, 8, 9, 10, 13, 14, ~~and 15~~ and 16

C-9 District: Limited to uses 1, 3, 6, 7, 8, 9, 10, 13, ~~and 15~~ and 16

I-I District: Limited to uses 10, 11 and 15

I-1 District: Limited to uses 1, 2, 3, 6, 7, 8, 10, 11, 13, 14, ~~and 15~~ and 16

I-2, I-3 Districts: Limited to uses 1, 2, 3, 6, 7, 8, 9, 10, 11, 13, 14, ~~and 15~~ and 16

I-4 District: Limited to uses 1, 2, 3, 6, 7, 8, 9, 10, 11, 13, ~~and 15~~ and 16

I-5, I-6 Districts: Limited to uses 6, 7, 8, 9, 10, 11, 13, ~~and 15~~ and 16

- **9-315 Additional Standards for Residential Studios**

STAFF NOTE: Revisions have been made to Par. 1C, Par. 1F and Par. 1G for purposes of this draft dated January 6, 2014 to ensure consistency with the revised definition and zoning districts where Residential Studios may be permitted. The remaining additional standards will be subject to further review and revision based on future discussions by the Planning Commission RSU Committee.

1. In all districts:

A. Each residential studio dwelling unit shall be of efficiency design (zero bedrooms) and shall comprise not more than 500 square feet of gross floor area, inclusive of an in-unit bathroom and kitchen.

B. Residential studios shall only be established on a parcel of land fronting on, and with direct access to a collector street or major thoroughfare. Proposed locations for a residential studio development shall consider the transportation needs of the intended tenants as an essential element of the application, to include information regarding proximity to transit (rail and/or bus) or the provision of transportation services provided by the residential studio development, where appropriate.

C. The number of residential studio units permitted on a lot shall be as established by the Board upon review of a specific development proposal, but in no event shall such development exceed seventy five (75) units **and in the residential districts, shall not include fewer than thirty (30) units on a lot.** The Board may limit the maximum number of units on the application property as it deems appropriate, to include no more than that which could be accommodated by application of the maximum floor area ratio

specified in the underlying zoning district *for any use*. ~~In those districts that include multiple options for FAR, residential studios shall be evaluated in comparison to the lowest specified FAR for that district. All r~~ Residential studio units and their accessory uses, whether stand-alone or when co-located on a lot or in a building with any other use, shall not be subject to or included in the calculation of the maximum density (dwelling units or persons per acre) or intensity (FAR) provisions specified for the zoning district in which located.

- D. Accessory uses that are proposed as part of the residential studio development shall be identified in the special exception application in terms of the use, location, anticipated frequency of utilization, and gross floor area. The Board shall find that such use(s) are clearly subordinate in purpose, area and extent and are designed to be used solely by the tenants of the residential studios to contribute to their comfort, convenience and necessity.
- E. Residential studios shall be designed so as to be compatible with any existing development on the lot in terms of intensity, uses and scale. Additionally, the development shall be harmonious with the development on neighboring properties in terms of character, building size, height, intensity and use. Factors to be considered when evaluating the appropriateness of a proposed residential studio use on a lot and determining the maximum number of units that should be permitted shall include, but not be limited to:
- (1) Predominant use of surrounding and nearby properties;
 - (2) Proximity to other multiple family dwelling unit developments and/or other residential studio developments;
 - (3) Predominant architectural style of the surrounding and nearby properties;
 - (4) Use and intensity/density recommendations of the adopted comprehensive plan;
 - (5) Availability of pedestrian access to transportation and shopping opportunities; and
 - (6) Vehicle trip generation rate for the residential studio development as compared to the vehicle trip generation rate for uses on adjacent lots.

~~OPTION 1 F. In the event of a conversion of any building and/or the attachment or addition of a residential studio development to an existing structure, all Building Code requirements pertaining to multiple family dwelling unit structures shall apply. A residential studio development shall not be co-located on a lot with or attached to any single family dwelling. No residential studio development shall be permitted on a lot that is served by an on-site individual sewage disposal system or private water supply system.~~

~~OPTION 2 F. The conversion of a single family dwelling to a residential studio development shall not be permitted and no residential studio development shall be permitted on a lot that is served by an on-site individual sewage disposal system or private water supply system. The attachment of a residential studio development to a single family dwelling shall not be permitted. A residential studio development shall not be co-located on a lot with any single family dwelling. In the event of a conversion of any non single family building and/or the attachment or addition of a residential studio development to an existing non single family structure, all Building Code requirements pertaining to multiple family dwelling unit structures shall apply.~~

F. In any district, the conversion of any single family dwelling, including any group of single family attached dwellings, or the construction of an attachment or addition to any single family dwelling or group of dwellings for the purposes of establishing residential studios shall not be permitted. A residential studio development shall not be co-located on a lot with any single family dwelling or group of dwellings.

STAFF NOTE: New Par. F prohibits the ability to utilize an existing single family dwelling for residential studios, prohibits the construction of an addition/attachment to an existing single family dwelling and precludes a townhouse or row of townhouses from being converted to or developed to include residential studios.

G. The minimum front, side and rear yard requirements, minimum open space, and maximum building height limits shall be as set forth in the respective zoning district, except as may be modified by the Board to ensure neighborhood compatibility. In the R-E through R-8 Districts, the yards and building height shall be as specified for single family dwellings and in the R-12 through R-30 Districts, the yards and buildings heights shall be as specified for multiple family dwellings, unless modified by the Board.

H. For the purposes of Article 10, an individual residential studio unit shall be deemed a multiple family dwelling unit; however, no additional employee associated with a home occupation shall be allowed and the tenant shall not operate a home child care facility or a school of special education in the residential studio.

I. Notwithstanding the provisions of Article 11, the minimum off-street parking requirement shall be based on one (1) space per residential studio unit, plus such spaces as are necessary for any accessory uses, as determined by the Board. No additional fees may be charged to a tenant for the parking of one (1) vehicle per residential studio unit. In the event that an applicant can demonstrate that fewer parking spaces than those required above will adequately serve the residential studio development, the Board, in its review may modify this parking requirement, based on the specific characteristics of the use and its location in proximity to transit opportunities or alternate parking facilities.

J. In accordance with Article 12, signs for a residential studio development shall be as provided for multiple family residential developments.

K. For the purposes of Article 13, the landscaping and screening requirements for residential studios located on a lot zoned for or developed with a non-residential principal use shall be based upon the predominant non-residential use. For residential studios located on a lot zoned for or developed with a residential principal use, such use shall be deemed a multiple family dwelling unit development for the purposes of Article 13.

L. All initial lease terms shall be for a period of not less than six (6) months and not more than one (1) year. Renewal terms may be on a month-to-month or other term basis, but shall not be longer than one (1) year for each renewal period.

M. There shall be convenient laundry facilities provided either within the individual units or in a separate room within the building housing the residential studios and shall be provided at a rate of not less than one (1) washer and one (1) dryer for each ten (10) residential studios, or part thereof.

N. All residential studio developments shall provide for a resident manager or twenty-four (24) hour on-site manager on the property or, alternatively, the Board may approve a property management plan that demonstrates sufficient off-site management of the development. The owner or manager shall monitor the income level of tenants at the time of initiation and renewal of any lease term. The results of such monitoring shall be provided to the Zoning Administrator, or designee, on an annual basis to assure on-going compliance with the tenancy and income limits, as defined. Such report shall include the unit number, date of lease renewal, term of lease renewal and tenant income. Each residential studio development may have not more than one (1) unit designated for use by a resident manager and such tenant shall not be subject to the income limits specified for this use. Subject only to modification or exception necessary for compliance with a federal or state affordable housing program, should a tenant become over-qualified with regard to income, such tenant shall vacate the residential studio at the end of the lease term in effect at the time of such over-qualification or within nine (9) months of such over-qualification, whichever time period is longer.

O. Prior to the issuance of the first Residential Use Permit for any residential studio unit within the development, the owner shall record a notice in the land records of Fairfax County, on a form provided by or approved by the Fairfax County Department of Housing and Community Development, to address, at a minimum, the income limitations, rental price restrictions, the perpetuity of such controls and any other relevant limits that are imposed by the Board. Additionally, prior to the issuance of the first Residential Use Permit, the owner/manager of the residential studio development shall submit to the Department of Housing and Community Development a rent schedule that identifies the current Area Median Income (AMI) for the Washington Metropolitan Statistical Area (WMSA) as specified by Housing and Urban Development (HUD) and the unit breakdown of rent tiers in accordance with the limits set forth in the definition of residential studio. For each subsequent year, upon release of an updated AMI for the WMSA by HUD, the owner/manager shall submit an amended rent schedule to reflect the changes.

2. In the P districts, in addition to Par. 1 above, if residential studio developments and their accessory uses are proposed as a secondary use as part of a development plan, the floor area shall be excluded when determining the maximum percentage of secondary uses permitted in the development.

Amend Article 18, Administration, Amendments, Violations and Penalties, by amending Par. 1 of Sect. 18-106, Application and Zoning Compliance Letter Fees, to add Residential Studios to the fee structure, as follows:

All appeals and applications as provided for in this Ordinance and requests for zoning compliance letters shall be accompanied by a filing fee in the amount to be determined by the following paragraphs unless otherwise waived by the Board for good cause shown; except that no fee shall be required where the applicant is the County of Fairfax or any agency, authority, commission or other body specifically created by the County, State or Federal Government. All fees shall be made payable to the County of Fairfax. Receipts therefore shall be issued in duplicate, one (1) copy of which receipt shall be maintained on file with the Department of Planning and Zoning.

1. Application for a variance, appeal, special permit or special exception:

1
2 Application for a:
3 Category 3 special exception
4

5 Residential studios (*The advertised range is \$1,100 to \$16,375*
6 *Staff is recommending \$1,100*)
7

\$1100