

TOWN COUNCIL WORK SESSION DRAFT 1/10/2020

Blue indicates 1 to 3 Councilmembers agree with edit/comment.

Red indicates 4 or more Councilmembers agree with edit/comment.

Councilmember comments that staff suggests Town Council may want to further discuss at the work session are highlighted in yellow.

Please note that staff provided extra spacing throughout so all comments are visible.

Town of Vienna, Virginia - Scope of Services

Clarify, Simplify, Reorganize Reorganize and Update Subdivision and Zoning Ordinances

About the Project

The Town of Vienna is seeking a land use planning consulting firm or team to clarify, simplify reorganize reorganize, and update the Town's subdivision and zoning ordinances, Chapters 17 and 18 of the Town Code. The consultant(s) must have national knowledge of best practices in land use planning, urban design, land use law, community engagement, transportation planning and parking standards, as well as experience drafting subdivision and zoning ordinances in the

Commented [PC1]: CM Majdi – Global comments:
1) Would like to have 2 separate phases of the project: one to reorganize and second to update.
2) Would like separate votes for the 2 phases.
3) Would like to have separate votes on sections of the zoning code, e.g., commercial zone districts.

CM Majdi – Suggests amending the Town's Comprehensive Plan prior to the consultant starting work on this project. Specifically, he would like to amend/remove references to the MAC zone and mixed use development and amend/add LOS and other controls to the transportation chapter.

Commented [PC2]: CM Colbert and Potter – Suggest striking "reorganize" globally throughout the scope and replacing with "clarify and simplify" to be consistent with CM Patel and Springsteen changes to project goals #1 and 2 (found on page 3 below)

CM Noble – Agrees with adding "clarify and simplify" but feels the word "reorganize" is fundamental to what we're trying to do and should be retained in the title and throughout the document

Mayor DiRocco – Agrees with CM Noble's comments

Commented [PC3]: CM Patel & Springsteen – Global comments. 1) RFP format should follow standard format. 2) The scope should reflect no harm or major changes to residential zoning districts. Staff notes that the RFP format will follow the standard format the Town uses. With regards to the residential zoning districts, Staff has added language to the 2nd paragraph.

Commented [PC4]: CM Colbert & Potter – Suggest striking "reorganize" globally throughout the scope and replacing with "clarify and simplify" to be consistent with change to project goals #1, 2 on pg. 2

Commented [PC5]: CM Noble – Agrees with adding "clarify and simplify" but feels the word "reorganize" is fundamental to what we're trying to do and should be retained throughout the document
Mayor DiRocco – Agrees with CM Noble

Commented [PC6]: CM Colbert and Potter – Include "national"
CM Noble – Agrees
Mayor DiRocco – Agrees
CM Majdi – Agrees

Commonwealth of Virginia. The Town's **expected/anticipated cost for this project** is **has** budgeted **approximately** \$225,000 for this **project**.

Commented [PC7]: CM Colbert and Potter – Clarify the “expected cost” of the project vs. budget, which is \$240,000.

CM Noble – Suggests replacing “expected” with “anticipated” and including “approximately”

Mayor DiRocco – Agrees with language suggested by CM Colbert and Potter (“expected”) and with CM Noble’s suggestion to include “approximately”

The Town’s last significant zoning code changes occurred fifty years ago in 1969; a significant portion includes regulations that date back to the 1956 zoning ordinance. The implementation of the Church Street Vision C-1B Pedestrian Commercial Zone (1999) and Maple Avenue Commercial (MAC) Zone (2014) has provided developer incentives for revitalization in those areas of Town. However, much of the zoning code is still outdated and cumbersome. This results in uncertainty for citizens, elected officials, and the development community. **It is intended that the update to the zoning ordinance will be focused primarily on the commercial zoning districts. No significant changes are intended for the other zoning districts, especially the single-family detached residential zoning districts.**

Commented [PC8]: CM Colbert and Potter – Agree with language suggested by CM Patel and Springsteen (see global comments above)
CM Majdi – Agrees with language

The Town recently created its first economic development manager position, who will be leading an effort to develop an economic development strategy and market study. The Town will be issuing a request for proposals for the study in early 2020. It is expected that the consultant for this project will coordinate with the economic development consultant and utilize the results of their study for the update to the commercial zoning districts, including the supply and demand analysis and future development potential by type (i.e., retail, office, etc.).

Commented [PC9]: CM Noble – Suggests rewriting the 2nd last sentence as follows: “The update to the zoning ordinance is expected to be focused primarily on the commercial zoning districts.” He also suggests deleting the last sentence since it contradicts the last bullet under goal #3 (pg. 4 below) which states that some “updates” are proposed to residential zone districts which can be viewed as “significant,” e.g., address setback standards and, lot coverage for outdoor living, codify family day homes, etc.

Mayor DiRocco – Agrees with CM Noble’s suggested language and deletion

Over the last several years, the Town has experienced a high volume of single-family residential redevelopment. The Town Council has also approved several MAC rezonings of mixed-use developments. It should be noted that the MAC Zone is currently suspended due to concerns with the scale, massing, and preponderance of multi-family housing rather than commercial uses in these recently approved MAC projects. **All pertinent work accomplished to date by staff, committees, commissions, boards, and Council, as well as relevant results from public comments, surveys, and workshops shall be retained and shared with the winning consulting firm for use in development of the aforementioned reorganization and update.** **During the moratorium, Staff has drafted design guidelines and amendments to the MAC Zone along with amendments to the other commercial zones and related development standards per Council’s direction. The previous Town Council also provided input on a priority list of zoning code amendments.**

Commented [PC10]: CM Colbert and Potter – Include language with regards to utilizing results of economic development strategy/market study in the zoning update.
CM Noble – Agrees with new language
Mayor DiRocco – Agrees with new language
CM Majdi – Agrees with new language

Commented [PC11]: CM Patel and Springsteen – Include language from CM Potter’s 12/9/19 motion; strikethrough
CM Colbert and Potter – Agree with new language and strikethrough
CM Noble – Agrees with new language and strikethrough
Mayor DiRocco – Agrees with new language and strikethrough
CM Majdi – Agrees with new language and strikethrough

Background Project Purpose and Goals

The Town of Vienna is an incorporated town located in the northeastern portion of Fairfax County. It encompasses 4.4 square miles and, according to the 2018 U.S. Census Bureau estimate, has a population of 16,556. Comparatively, Fairfax County is 391 square miles with a population of more than 1.1 million.

Commented [PC12]: CM Colbert and Potter – Include “Background” before this paragraph and move “Project Purpose and Goals” to next paragraph
CM Noble – Agrees
Mayor DiRocco – Agrees

Project Purpose and Goals

The Town desires to clarify and simplify, reorganize, reorganize its subdivision and zoning ordinances so the regulations are logically organized and easy to understand through the use of plain language, charts, tables, and illustrations. In addition, the subdivision and zoning ordinances should be updated so they are in compliance with State statutes, recent Supreme Court decisions with regards to sign regulations, and consistent with the Town's Comprehensive Plan, adopted by Council on May 23, 2016.

The update should address areas where the Code is silent and zoning determinations have been made over the years by the Town's zoning administrator, or where regulations are currently lacking, e.g., parking standards for all uses and definitions for all uses and key terms. The update should provide for new development in the commercial corridors that enhances the Town's neighborly charm and hometown character. Development regulations should also be aligned with contemporary subdivision and zoning best practices.

The Town's goals for the project are described below, with some examples provided for further clarification:

- 1) Clarify and simplify reorganize, reorganize and update the subdivision ordinance to comply with State statutes, implement the objectives of the Town's Comprehensive Plan, incorporate subdivision best practices, and ensure the regulations are logically organized and simply stated, with illustrations provided where appropriate. Specific to the State Code, ensure the subdivision regulations are consistent with State Code §15.2-2240 through §15.2-2279, and explore the possibility of including the subdivision regulations in the zoning ordinance, if permitted by State Code §15.2-2240.
- 2) Clarify and simplify reorganize, reorganize the zoning ordinance to ensure the regulations are logically organized and simply stated, with illustrations provided where appropriate. Specifically, the zoning ordinance should be organized into articles of similar items, e.g., general provisions, zone districts and dimensional standards, use regulations, development standards, administration and procedures, and definitions.
- 3) Update the zoning ordinance to achieve the following:
 - Comply with State statutes and Supreme Court decisions;
 - Implement the objectives of the Town's Comprehensive Plan;

Commented [PC13]: CM Colbert and Potter – Suggest striking “reorganize” globally throughout the scope and replacing with “clarify and simplify” to be consistent with change to project goals #1 and 2 below

Commented [PC14]: CM Noble – Agrees with adding “clarify and simplify” but feels the word “reorganize” is fundamental to what we’re trying to do and should be retained throughout the document
Mayor DiRocco – Agrees with CM Noble’s comments

Commented [PC15]: CM Colbert and Potter – Strikethrough as is redundant with added language re: neighborhood character to third bullet under goal #3 below

Commented [PC16]: CM Patel and Springsteen – Strikethrough
CM Colbert and Potter – Agree with strikethrough
CM Noble – Agrees with strikethrough
Mayor DiRocco – Agrees with strikethrough

Commented [PC17]: CM Patel and Springsteen – Replace “reorganize” with “clarify and simplify”
CM Colbert and Potter – Agree with language

Commented [PC18]: CM Noble – Agrees with adding “clarify and simplify” but feels the word “reorganize” is fundamental to what we’re trying to do and should be retained throughout the document
Mayor DiRocco – Agrees with CM Noble’s comments

Commented [PC19]: CM Patel and Springsteen – Define “best practices”; Staff proposes either adding “subdivision” or strike the phrase “incorporate best practices”

CM Noble – Suggests deleting “subdivision” as it is unnecessary since this section is about the subdivision ordinance

Mayor DiRocco – Agrees with CM Noble

Commented [PC20]: CM Patel and Springsteen – Replace “reorganize” with “clarify and simplify”
CM Colbert and Potter – Agree with language

Commented [PC21]: CM Noble – Agrees with adding “clarify and simplify” but feels the word “reorganize” is fundamental to what we’re trying to do and should be retained throughout the document

- Review and potentially revise commercial zone districts, uses, and development standards based on best practices, e.g., provide standards requirements for building design and environmental features, density, setback, height, massing, sustainability, streetscape, gathering/open space, lighting, parking and shared parking standards for all commercial uses; ensure the character of residential neighborhoods abutting commercial areas are not compromised; address compatibility with adjacent residential neighborhoods, and explore the possibility of a potential new processes, such as special exceptions for that can provide incentives for certain types of commercial and mixed-use development;

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Commented [PC22]: CM Colbert and Potter – Include “density, setback, height” to list of standards for all commercial uses; Staff moved “standards” to front of example list for clarity

CM Noble – Suggest replacing “standards” with “requirements”; agrees with adding “density, setback, height”; suggests adding “massing”

Mayor DiRocco – Agrees with CM Colbert and Potter, CM Noble’s edits and suggests adding “sustainability”

CM Majdi – Agrees with CM Colbert, Potter, Noble and Mayor DiRocco’s edits

Commented [PC23]: CM Patel and Springsteen – Include language from the Statement of Purpose and Intent from the MAC Zone with regards to neighborhood compatibility; strikethrough existing “neighborhoods” phrase; add language re: special exceptions and strike “provide incentives”

CM Colbert and Potter – Agree with neighborhood character language

CM Noble – Does not agree with strikethrough and suggests retaining “address compatibility with adjacent neighborhoods”

Mayor DiRocco – Agrees with neighborhood character language

CM Majdi – Agrees with neighborhood character language

Commented [PC24]: CM Potter – Agrees with inclusion of “special exception” clause

CM Colbert – Does not agree with inclusion of “special exception” clause. Suggests ending the sentence after “processes” and strikethrough rest of the sentence

CM Noble – Agrees with strikethrough after “processes”

Mayor DiRocco – Agrees with CM Colbert and Noble

CM Majdi – Agrees with inclusion of “special exception” clause but would like to keep “provide incentives” phrase

- **Update, as needed,** Review and potentially revise industrial zone districts, uses, and development standards based on best practices, e.g., provide building design and environmental features, lighting, parking and shared parking standards for all industrial uses; provide for modern industrial uses, such as data centers; and address compatibility with adjacent residential neighborhoods;

Commented [PC25]: CM Patel and Springsteen – Replace “review and potentially revise” with “update” for bullets 4 through 9
 CM Colbert and Potter – Agree with adding “update” and striking “review and potentially revise” language
 CM Noble – Agrees
 Mayor DiRocco – Agrees

Commented [PC26]: CM Colbert and Potter – Include “as needed” after “update” to bullets 4 through 9
 CM Noble – Agrees
 Mayor DiRocco – Agrees

- **Update, as needed,** Review and potentially revise parks zone districts, uses, and development standards based on best practices, e.g., address area requirements to provide for pocket parks;

- **Update, as needed,** Review and potentially revise transitional zone district, uses, and development standards based on best practices, e.g., provide for new uses (assisted living, cottage/village housing);

Commented [PC27]: CM Patel and Springsteen – Strike examples for new uses
 CM Colbert and Potter – Agree with strikethrough
 Mayor DiRocco – Would like to keep the examples

- **Update, as needed,** Review and potentially revise multifamily zone district, uses, and development standards based on best practices, e.g., provide for new uses (cottage/village housing);

Commented [PC28]: CM Patel and Springsteen – Strike examples for new uses
 CM Colbert and Potter – Agree with strikethrough
 Mayor DiRocco – Would like to keep the examples

- **Update, as needed,** Review and potentially revise townhouse zone district, uses, and development standards based on best practices, e.g., clarify common open space; and

- **Update, as needed,** Review and potentially revise single family detached residential zone districts, uses, and development standards based on best practices, e.g., address setback standards to provide for exterior home improvements (constructing a front porch), **add and lot coverage requirements for outdoor living space;** and codify zoning provisions for family day homes.

Commented [PC29]: CM Patel and Springsteen – Add language re: “lot coverage requirements for outdoor living space”

CM Colbert and Potter – Agree with language with following exception, Strike “add” since “address” also applies to lot coverage example; Staff included “and” for clarity

Mayor DiRocco – Concerned with having “lot coverage requirements for outdoor living space” included as an example

CM Majdi – Agrees with CM Patel and Springsteen to add “lot coverage” language and with CM Colbert and Potter to strike “add” & add “and”

Process, Desired Outcome and Community Engagement

Staff from the Department of Planning and Zoning will manage the project with **Town Council** ~~the Planning Commission~~ serving as the primary advisory board, working closely with the **Planning Commission**, ~~Town Council~~. It is our desire to have 100% community awareness, with ample opportunities for community engagement. We are striving for community co-creation rather than community buy-in. The goal is to work with the community to **clarify, simplify** ~~reorganize~~ reorganize and update the subdivision and zoning ordinances.

Commented [PC30]: CM Patel and Springsteen – Town Council should review and comment on project materials first and the Planning Commission provide their comments following Town Council input
CM Colbert and Potter – Agree with changes
CM Majdi – Agrees with changes

Commented [PC31]: CM Noble – Very concerned with the proposed edits and suggests the following: “Staff from the Department of Planning and Zoning will manage the project with the Town Council and Planning Commission, which will serve as the primary advisory boards. The intent is to have a strong, collaborative process between Town Council, Planning Commission, staff, and the successful respondent to the proposal that will lead to the successful approval of the proposed code update.”

Mayor DiRocco – Agrees with CM Noble, suggests adding “which” following “Commission” and pluralizing “board” (see edits in red above). Staff added comma after Commission.

Commented [PC32]: CM Colbert and Potter – Suggest striking “reorganize” globally throughout the scope and replacing with “clarify and simplify” to be consistent with change to project goals #1 and 2 on page 2

Commented [PC33]: CM Noble – Agrees with adding “clarify and simplify” but feels the word “reorganize” is fundamental to what we’re trying to do and should be retained throughout the document

We believe this can be achieved by providing information and seeking feedback at community and stakeholder meetings, workshops, and open houses, and through social media, online surveys, a dedicated webpage, and information booths at community events, such as the farmers market, along with articles and **surveys** in the Town’s monthly newsletter, the *Vienna Voice*.

Commented [PC34]: CM Patel and Springsteen – Include “surveys”
CM Colbert and Potter – Agree with language
CM Noble – Agrees with language
Mayor DiRocco – One survey is fine, but concerned if the newsletter has multiple surveys.
CM Majdi – Agrees with language

The project is expected to take approximately 18 months to two years to complete. It is divided into six tasks. The Town's desired outcome are subdivision and zoning regulations which have been comprehensively clarified, simplified, reorganized, reorganized and updated to reflect the Town's desired vision for future growth and development.

Task 1: Project Initiation and Orientation

This task includes background analysis of current policies and regulations, and outreach to elected officials, committees, commissions and boards, members of planning and zoning's boards and commissions, staff, and stakeholders, including residents, business owners, property owners, builders, and developers to receive input on the strengths and weaknesses of the current regulations. Input will may be solicited through a variety of ways, i.e., interviews, surveys, meetings, open houses, etc.

Task 2: Code Assessment

In this task, the information and input obtained in Task 1 is synthesized into a code assessment that identifies the major goals for the project, along with recommendations on how to address and integrate these goals in the updated regulations. Photo documentation of in-Town structures consistent with the recommendations should also be provided. The code assessment concludes with a detailed outline of how the updated regulations would be structured if the recommendations in the assessment are implemented.

Task 3: Draft Subdivision and Zoning Ordinances

Task 3 includes the draft of the clarified, simplified, reorganized, reorganized and updated regulations. Because the subdivision and zoning ordinances are lengthy documents, drafting should be divided into several cohesive installments, or modules. The updates will be consistent with recommendations in the code assessment and follow the detailed outline. Meetings with elected officials and stakeholders will be held on the draft to receive public input. In addition to regular public meetings, creative efforts to solicit input from the community should be sought.

Commented [PC35]: CM Patel and Springsteen – Strikethrough anticipated timeframe; proposals should include anticipated time to complete each task. Staff will include the latter to the RFP submittal requirements.

CM Colbert and Potter – Agree with strikethrough
CM Majdi – Agrees with strikethrough

Commented [PC36]: CM Colbert and Potter – Suggest striking “reorganize” globally throughout the scope and replacing with “clarify and simplify” to be consistent with change to project goals #1 and 2 on page 2

Commented [PC37]: CM Noble – Agrees with adding “clarify and simplify” but feels the word “reorganize” is fundamental to what we’re trying to do and should be retained throughout the document
Mayor DiRocco – Agrees with CM Noble’s comments

Commented [PC38]: CM Colbert and Potter – Include language similar to CM Potter’s motion language re “committees, commissions and boards”; include “will” and strikethrough “may”
CM Noble – Agrees
Mayor DiRocco – Agrees
CM Majdi – Agrees

Commented [PC39]: CM Patel and Springsteen – Include language requiring “photo documentation of in-Town structures”

CM Colbert and Potter – Do not agree with new language

CM Noble – Does not agree with new language; suggests it could be added to task 3: draft ordinances

Mayor DiRocco – Does not understand language and needs clarification; agrees with CM Noble it should be moved

Commented [PC40]: CM Colbert and Potter – Suggest striking “reorganize” globally throughout the scope and replacing with “clarify and simplify” to be consistent with change to project goals #1 and 2 on page 2

Commented [PC41]: CM Noble – Agrees with adding “clarify and simplify” but feels the word “reorganize” is fundamental to what we’re trying to do and should be retained throughout the document
Mayor DiRocco – Agrees with CM Noble’s comments

If any new **commercial** zoning districts are proposed or any existing **commercial** districts are renamed and/or consolidated, this task would also include preparing a revised zoning **map**.

Commented [PC42]: CM Patel and Springsteen – Add “commercial” to describe zoning districts
CM Colbert and Potter – Agree with language
CM Noble – Agrees with language
Mayor DiRocco – Agrees with language

Task 4: Test Draft Subdivision and Zoning Ordinances

Next, the **clarified, simplified** ~~reorganized~~ reorganized and updated subdivision and zoning ordinances will be tested to verify whether they are achieving the goals and desired outcomes for the project. The testing stage includes a side-by-side comparison of six examples of recently-approved developments with comparable hypothetical development in accordance with the draft subdivision and zoning ordinances.

Commented [PC43]: CM Colbert and Potter – Suggest striking “reorganize” globally throughout the scope and replacing with “clarify and simplify” to be consistent with change to project goals #1 and 2 on page 2

Commented [PC44]: CM Noble – Agrees with adding “clarify and simplify” but feels the word “reorganize” is fundamental to what we’re trying to do and should be retained throughout the document
Mayor DiRocco – Agrees with CM Noble’s comments

Task 5: Prepare Public Hearing Draft of Subdivision and Zoning Ordinances and Zoning Map

After the results from testing in Task 4 and input, **as described in Task 3**, on the draft subdivision and zoning ordinances in Task 3, updates will be made and a public hearing draft of the subdivision and zoning ordinances will be prepared. These materials will be reviewed during the public hearing process. The public hearing draft of the subdivision and zoning ordinances and zoning map is the comprehensive draft that will be considered for adoption.

Commented [PC45]: CM Colbert and Potter – Include language so it’s clear who provided “input”
CM Noble – Agrees
Mayor DiRocco – Agrees

Task 6: Procedures Manual and Application Forms

After completing the public hearing draft in Task 5, a procedures manual to assist in the day-to-day implementation of the new subdivision and zoning ordinances will be prepared. The manual will serve as a “users’ guide” supplement to the new zoning and subdivision ordinances and will include details about application review schedules and submittal requirements. It will also include new application forms that are consistent with the requirements of the revised ordinances.

Background Materials

- Subdivision and Zoning Ordinances (Town Code, Chapters 17 and 18)
 - ~~Work accomplished to date by Staff, Committees, Commissions, Boards, and Council as well as results from public comments, surveys, and workshops~~
 - All pertinent work accomplished to date by staff, committees, commissions, boards, and Council, as well as relevant results from public comments, surveys, and workshops shall be retained and shared with the winning consulting firm for use in development of the aforementioned reorganization and **update**
 - Citizen petitions submitted to the **Town**
- Comprehensive Plan (Adopted by Town Council on May 23, 2016)

Commented [PC46]: CM Patel and Springsteen – Include language from CM Potter’s 12/9/19 motion; strikethrough
CM Colbert and Potter – Agree with language
CM Noble – Agrees with language

Commented [PC47]: CM Patel and Springsteen – Add “citizen petitions submitted to the Town”
CM Colbert and Potter – Agree with language
CM Noble – Agrees with language
Mayor DiRocco – Agrees with language
CM Majdi – Agrees with language