

**ADOPTION OF AN AMENDMENT TO CHAPTER 112.1
(ZONING) OF THE 1976 CODE OF THE COUNTY OF FAIRFAX, VIRGINIA**

At a regular meeting of the Board of Supervisors of Fairfax County, Virginia, held in the Board Auditorium, Lobby Level, Government Center Building, 12000 Government Center Parkway, Fairfax, Virginia, on Tuesday, September 14, 2021, the Board after having first given notice of its intention so to do, in the manner prescribed by law, adopted an amendment to Chapter 112.1 (Zoning) of the 1976 Code of the County of Fairfax, Virginia, said amendment so adopted being in the words and figures following, to-wit:

**BE IT ORDAINED BY THE BOARD OF SUPERVISORS OF FAIRFAX COUNTY,
VIRGINIA:**

Amend Chapter 112.1 (Zoning Ordinance), as follows:

1. Amend subsection 3101.6.B to require ARB approval of certain subdivisions as shown below.
2. Amend subsection 3101.19.C by adding new subsections (1) and (4) and renumber the remaining subsections.

Article 3 – Overlay and Commercial Revitalization Districts

3101. Historic Overlay Districts

6. Administration of Historic Overlay District Regulations

B. Zoning Applications, and Site, Subdivision, Grading and Sports Illumination Plans

- (1) ARB review and recommendation is required on applications for a rezoning, special exception, special permit, and variance, and for site plans, subdivision plats (except when review and approval is expressly required), grading plans (except when review and approval is expressly required), and sports illumination plans. This review must include consideration of the potential impact of the proposal on the historical, architectural, or archaeological significance of the district. In addition, the following should also be considered:
 - (a) The impact of the proposed use, including the intensity, density, and scale of development, on existing conditions in the district;
 - (b) Any change to the visual character of the district including views to and from historic, contributing, and non-contributing properties;
 - (c) The location of buildings, structures, streets, parking areas, and planting and landscape features;
 - (d) Any change to existing grades, drainage patterns, landscaping, or similar features as a result of permanent or temporary site construction activities; and
 - (e) Any change to non-structural site elements, such as vehicular access, yard requirements, or utility easements that may affect the historic character of the district.
- (2) ARB review and approval is required of any application for a proposed subdivision—including any subdivision plat, plan, or construction plan—of any parcel or parcels

within a Historic Overlay District whose district-specific regulations require such ARB approval.

(a) Any ARB approval must include a determination that the proposed subdivision would be compatible with the historic nature of the district, including with its landmarks, buildings, or structures.

(b) In addition, the ARB's review also includes consideration of the standards in subsection 3101.6.B(1) above.

19. Wellington at River Farm Historic Overlay District

C. Additional Standards

(1) Any application for a proposed subdivision—including a subdivision plat, subdivision plan or construction plan—requires review and approval by the ARB, in accordance with subsection 3101.6.B(2).

(2) ...

(3) ...

(4) In association with a proposed development, the Board may impose or accept any condition it deems necessary to ensure any proposed use will satisfy the general and additional standards applicable to this HOD. This may include a condition to allow public access to the Wellington at River Farm HOD and its landmark, buildings, structures, or land to the extent permitted by local, state, or federal law.

(5) ...

(6) ...

Revise subsection 8103.4.C to add a new subsection (3) and renumber remaining subsections accordingly.

Article 8 – Administration, Procedures, and Enforcement

8103. Review and Decision-Making Bodies

4. Architectural Review Board

B. Powers and Duties

The ARB has the following powers and duties:

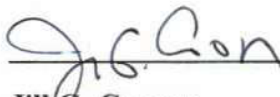
- (1) In a Historic Overlay District, to hear and decide applications for building permits and sign permits.
- (2) To review and make recommendations on all applications for rezoning, special exception, special permit, and variance, and any site plan, subdivision plat, grading plan, and sports illumination plan in Historic Overlay Districts.
- (3) To hear and decide applications for any proposed subdivision—including any subdivision plan, plat, or construction plan—of any parcel or parcels within a Historic Overlay District whose district-specific regulations require such ARB approval.
- (4) To propose, as deemed appropriate, the establishment of additional Historic Overlay Districts and revisions to existing Historic Overlay Districts.
- (5) To assist and advise the Board, the Planning Commission, and other County departments and agencies in matters involving historically, architecturally, culturally, or archaeologically significant sites and buildings such as appropriate land usage, parking facilities, and signs.
- (6) To assist the Zoning Administrator in reviewing of applications for new utility distribution or transmission poles 50-feet or lower in height proposed to be constructed within the right-of-way of a Virginia Byway, or on property that is both adjacent to a Virginia Byway and listed on the County Inventory of Historic Sites. To

assist the Zoning Administrator, the ARB may provide application specific recommendations or formulate general recommended criteria or design guidelines for the installation of such poles in these areas.

- (7) To advise owners of historic buildings or structures on problems of preservation.
- (8) To formulate recommendations concerning the establishment of an appropriate system of markers for Historic Overlay Districts and selected historic sites and buildings, including proposals for the installation and care of such markers.
- (9) To advise the Board of Supervisors in the preservation, restoration, and conservation of historic, cultural, or archaeological buildings, sites, or areas in the County by cooperating with and enlisting assistance from the Fairfax County History Commission, the Virginia Department of Historic Resources, the National Trust for Historic Preservation, and other interested parties, both public and private.
- (10) To make available to the Fairfax County Library, on request, copies of reports, maps, drawings, and other documents bearing on the historical significance and architectural history of landmarks considered by or brought to the attention of the ARB, and permit copies to be made for permanent keeping in the library's historical collection.
- (11) To employ secretarial assistance and pay salaries, wages, and other incurred necessary expenses, in accordance with appropriations by the Board.

This amendment shall become effective on September 15, 2021, at 12:01 a.m.

GIVEN under my hand this 14th day of September, 2021.



Jill G. Cooper

Clerk for the Board of Supervisors