

ZO-11-430
(Also See Erosion and Sedimentation Control Amendment 24-11-104,
and Land Development Fee Schedule Amendment 25-11-Q,
Adopted simultaneously on July 26, 2011)

ADOPTION OF AN AMENDMENT TO CHAPTER 112
(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, July 26, 2011, 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 (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 (Zoning Ordinance), as follows:

Amend Article 2, General Regulations, Part 6, Land Regulations, Sect. 2-601, Limitations on the Removal and Addition of Soil, to read as follows:

2-601 Limitation on the Removal and Addition of Soil

No soil shall be removed from or added to any lot in any zoning district except in accordance with one of the following provisions:

1. Sod and soil may be removed from or added to any lot to a depth of not more than eighteen (18) inches but only in an area not exceeding 2500 square feet; provided, however, that this provision shall not apply to the temporary storage of top soil by plant nurseries and further provided that any sod and soil removal or addition within a major underground utility easement shall only be permitted in accordance with Sect. 515 above. In a floodplain, sod and soil may be removed in accordance with this paragraph, however, the addition of sod and soil shall only be permitted in accordance with the provisions of Part 9 below, or
2. Removal, dumping, filling, or excavation necessary for construction shall be permitted when such is in accordance with an approved site plan or approved plans and profiles for a subdivision; or
3. Grading of land shall be permitted in accordance with a grading plan approved by the Director. The Director shall determine that the amount of soil removal or fill and proposed grading is necessary for the establishment of a use permitted in the zoning district in which located, and that the grading plan shall provide for even finished grades which meet adjacent properties' grades and do not substantially alter natural drainage, and which plans include siltation and erosion control measures in conformance with the provisions of Chapter 104 of The Code; or
4. Where the removal or addition of sod and soil or the grading of land results from the demolition of a single family dwelling, demolition of an accessory structure to a single family dwelling, construction of an addition to a single family dwelling as defined in Chapter 61 of The Code, or construction of an accessory structure to a single family dwelling, that results in a disturbed area of 5000 square feet or less and does not require the installation of water quality controls or other drainage improvements, sod and soil may be removed or added and grading of land may be permitted by the Director in accordance with a plat certified by a land surveyor, engineer, landscape architect or architect authorized by the State to practice as such meeting the requirements of Part 6 of Article 18, and which plat includes siltation and erosion control measures in conformance with Chapter 104 of The Code; or

5. Any other grading, excavating, mining, burrowing and/or filling of land not listed above shall be permitted only in accordance with the provisions of Part 1 of Article 8 or the approval of a landfill in accordance with the provisions of Part 2 of Article 9.

Amend Article 18, Administration, Amendments, Violations and Penalties, Part 6, Building Permits, Sect. 18-602, Application for a Permit, by revising Par. 2 to read as follows:

Applications for a Building Permit shall be on forms provided by the County and shall be approved by the Zoning Administrator prior to issuance. An application shall be accompanied by one of the following:

2. When the building or structure does not require site plan approval, four (4) copies of a plat certified by a land surveyor, engineer, landscape architect or architect authorized by the State to practice as such, except that plats submitted for additions to an existing single family detached or attached dwelling or accessory structures related to an existing single family detached or attached dwelling may be prepared by other than a land surveyor, engineer, landscape architect or architect. Each such plat shall indicate the following information:
 - A. The dimensions of the lot or parcel, the lot lines thereof, and the area of land contained therein.
 - B. Delineation of any major underground utility easements and the location of any water, storm and sanitary sewer easements and all conveyances and easements dedicated or to be dedicated to Fairfax County, the State of Virginia and the Virginia Department of Transportation.
 - C. The location, dimensions and height of any building, structure or addition, whether existing or proposed. In addition, for decks, the height of the finished floor above finished ground level and for accessory structures, the height of the highest point of the structure from finished ground level.
 - D. The distance from all property lines and any floodplain to the proposed building, structure or addition, including any extensions from the vertical plane of the proposed building, structure, or addition, shown to the nearest one-tenth of a foot. For features which extend into the minimum required yard pursuant to Sect. 2-412, in addition to showing the distance of the feature to all lot lines, the plat shall also include the specific dimension which qualifies the feature for the permitted extension.
 - E. The proposed elevation of the first floor level and of the lowest floor level of any proposed new building. Such elevations shall not be required for additions unless the proposed elevation of the lowest floor level of such addition is below the lowest floor elevation of

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the structure to which it is added or is required to demonstrate compliance with the floodplain regulations set forth in Part 9 of Article 2.

- F. The existing and intended use of each building or structure or part thereof, including the number of dwelling units within a dwelling.
- G. The location and configuration of any existing or proposed off-street parking space(s), the number of spaces proposed to be provided, and information as to the proposed surfacing of such areas.
- H. The signature and certification number, if applicable, of the person preparing the plat.
- I. Delineation of any Resource Protection Area and Resource Management Area.
- J. Delineation of any mapped floodplain and floodplain easement.
- K. Delineation of any access easement to contiguous properties.
- L. Delineation of any conservation, restrictive planting or vegetative buffer easement.
- M. Such other information, which may include photographs, with regard to the lot, existing and proposed buildings, and existing and proposed uses thereof and such other information with regard to contiguous lots as may be necessary for the proper review of the application.
- N. When the Building Permit application is for a new single family detached dwelling, a statement, where applicable, that the lot is subject to the affordable dwelling unit development zoning district regulations.

Amend Article 18, Administration, Amendments, Violations and Penalties, Part 7, Residential and Non-Residential Use Permits, Sect. 18-704, Minimum Requirements, by revising the introductory paragraph and Par. 13 to read as follows:

The following minimum requirements shall be met prior to the issuance of a Residential or Non-Residential Use Permit:

- 13. For single family detached dwelling units, five (5) copies of an as-built house location survey plat shall be submitted to the Zoning Administrator for review and approval within thirty (30) days of the issuance of the Residential Use Permit. Such plat shall be presented on a sheet having a maximum size of 8 ½" by 14", drawn to a designated scale of not less than one inch equals fifty feet (1" = 50'), or a metric scale of 1:500 or larger, unless a smaller scale is required to accommodate the development, with the scale clearly indicated. In all cases, the scale used on the as-built house location plat shall be the same as the scale of the approved house grading plan. Such plat, regardless of the area of the lot, shall be prepared in accordance with the rules

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and regulations adopted by the Commonwealth of Virginia, Board for Architects, Professional Engineers, Land Surveyors and Landscape Architects (APELSLA), and shall also show the following:

- A. The distance from all structures including any extensions from the vertical plane of the building, structure, or addition shown to the nearest one-tenth of a foot to all lot lines and any floodplain. If metric units are used, their English equivalents shall be provided, with English measurements shown in parentheses. For features which extend into the minimum required yard pursuant to Sect. 2-412, in addition to showing the distance of the feature to all lot lines, the plat shall also include the specific dimension which qualifies the feature for the permitted extension.
- B. For pipestem lots and lots abutting a pipestem driveway, the location of the pipestem driveway.
- C. The deed book and page number(s) for the easements and conveyances shown on the plat.
- D. Delineation of any mapped floodplain.
- E. Delineation of any Resource Protection Area and Resource Management Area.
- F. Delineation of any access easement to contiguous properties.
- G. Delineation of any conservation, restrictive planting or vegetative buffer easement.
- H. Delineation of any major underground utility easements and the location of any water, storm and sanitary sewer easements and all conveyances and easements dedicated to Fairfax County, the State of Virginia and the Virginia Department of Transportation.

This amendment shall become effective on July 27, 2011 at 12:01 a.m.

GIVEN under my hand this 26th day of July, 2011.

NANCY VEHR
Clerk to the Board of Supervisors