



FAIRFAX
COUNTY

STAFF REPORT

V I R G I N I A

PROPOSED ZONING ORDINANCE AMENDMENT

Planned Development Districts

DECEMBER 2, 2004 DRAFT

PUBLIC HEARING DATES

Planning Commission

Not Yet Scheduled

Board of Supervisors

Not Yet Scheduled

PREPARED BY
ZONING ADMINISTRATION DIVISION
DEPARTMENT OF PLANNING AND ZONING
(703) 324-1314

DJQ



Americans With Disabilities Act (ADA): Reasonable accommodation is available upon 7 days advance notice. For additional information call (703) 324-1334.

STAFF COMMENT

DRAFT

PROPOSED AMENDMENT

November 10, 2004 Draft

This proposed Zoning Ordinance amendment is based on the Zoning Ordinance in effect as of #####, 2005 and there may be other proposed amendments that may affect some of the numbering, order or text arrangement of the paragraphs or sections set forth in this amendment, which 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.

1 **Amend Article 2, General Regulations, as follows:**

2
3 **- Amend Part 4, Qualifying Lot and Yard Regulations, as follows:**

4
5 **- Amend Sect. 2-406, Pipestem Lots, by revising Par. 1D to read as follows:**

6
7 1. When deemed necessary to achieve more creative planning and
8 preservation of natural property features or to provide for affordable
9 dwelling unit developments, the Director may approve pipestem lots either
10 as a single lot or in a group of lots not to exceed five (5) in number, but
11 only in accordance with the provisions of the Public Facilities Manual and
12 one of the following:

13
14 D. In the PDH and PDC Districts when shown on an approved final
15 development or planned district plan.

16
17 **- Amend 2-412, Permitted Extensions Into Minimum Required Yards, to**
18 **read as follows:**

19
20 1. The features set forth in ~~the following~~ Paragraphs 3 through 6 below may
21 extend into minimum required yards as specified, however, if the lot is
22 subject to any proffered conditions, imposed development conditions, or
23 approved development, final development or planned district plans, such
24 extensions shall be in substantial conformance with such approvals.

25
26 2. ~~For~~ Lots in the PDH, PDC, PRC and PRM Districts shall be subject to the
27 following, unless otherwise specified by proffered conditions, imposed
28 development conditions and/or on the approved final, planned district or
29 development plan:
30

- 1 A. When a minimum required yard is depicted on an approved
2 development, final development or planned district plan, or specified
3 in any imposed development conditions or proffered conditions, the
4 minimum required yard shall be that depicted or specified yard.
5
6 B. When no minimum required yard is depicted on an approved
7 development, final development or planned district plan, or specified
8 in any imposed development conditions or proffered conditions, the
9 minimum required yard shall be deemed to be one-half of the
10 distance of the yard that has been established by the location of the
11 principal structure on a lot.
12
13 C. In other districts where minimum yard requirements required yards
14 are determined by a specified distance between buildings, the lot
15 lines shall be established by a line located between the buildings
16 drawn at the mid-point and perpendicular to the shortest line between
17 them and the minimum required yard shall be deemed to be one-half
18 of the distance of the yard that has been established by the lot line
19 described in this paragraph.
20

21 43. The following shall apply to any structure:
22

- 23 A. Cornices, canopies, awnings, eaves or other such similar features, all
24 of which are at least ten (10) feet above finished ground level, may
25 extend three (3) feet into any minimum required yard but not closer
26 than two (2) feet to any lot line. This provision shall not apply to
27 permanent canopies over gasoline pump islands which have supports
28 located on the pump islands, provided that such canopies may extend
29 into minimum required yards but shall not extend into any required
30 transitional screening areas nor overhang travel lanes, service drives
31 or sidewalks.
32
33 B. Sills, leaders, belt courses and other similar ornamental features may
34 extend twelve (12) inches into any minimum required yard.
35
36 C. Open fire balconies, fire escapes, fire towers, uncovered stairs and
37 stoops, air conditioners and heat pumps, none of which are more than
38 ten (10) feet in width, may extend five (5) feet into any minimum
39 required yard, but not closer than five (5) feet to any lot line.
40
41 D. Bay windows, oriels, and chimneys, none of which are more than ten
42 (10) feet in width, may extend three (3) feet into any minimum
43 required yard, but not closer than five (5) feet to any lot line.
44
45 E. Carports may extend five (5) feet into any minimum required side
46 yard, but not closer than five (5) feet to any side lot line.

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F. An accessibility improvement may extend into any minimum required yard.

24. The following shall apply to any deck attached to a single family detached dwelling:

A. Any open deck with no part of its floor higher than four (4) feet above finished ground level may extend into minimum required yards as follows:

- (1) Front yard: 6 feet, but not closer than 14 feet to a front lot line and not closer than 5 feet to any side lot line
- (2) Side yard: 5 feet, but not closer than 5 feet to any side lot line
- (3) Rear yard: 20 feet, but not closer than 5 feet to any side or rear lot line

B. Any open deck with any part of its floor higher than four (4) feet above finished ground level may extend into minimum required yards as follows:

- (1) Front yard: No extension
- (2) Side yard: No extension
- (3) Rear yard: 12 feet, but not closer than 5 feet to any rear lot line and not closer than a distance equal to the minimum required side yard to the side lot line

C. Any roofed deck with no part of its floor higher than four (4) feet above finished ground level may extend into minimum required yards as follows:

- (1) Front yard: No extension
- (2) Side yard: No extension
- (3) Rear yard: 12 feet, but not closer than 5 feet to any rear lot line and not closer than a distance equal to the minimum required side yard to the side lot line

1 35. The following shall apply to any deck attached to a single family attached
2 dwelling:

3
4 A. Any open deck with no part of its floor higher than three (3) feet
5 above finished ground level may extend into minimum required
6 yards as follows:

- 7
8 (1) Front yard: No extension
9
10 (2) Side yard: 5 feet, but not closer than 5 feet to any side lot
11 line
12
13 (3) Rear yard: To the rear lot line and from side lot line to side
14 lot line, except on lots with a minimum required
15 side yard, not closer than 5 feet to that side lot
16 line
17

18 B. Any open deck with any part of its floor higher than three (3) feet
19 above finished ground level may extend into minimum required
20 yards as follows:

- 21
22 (1) Front yard: No extension
23
24 (2) Side yard: No extension
25
26 (3) Rear yard: 12 feet, but not closer than 5 feet to the rear lot
27 line. Notwithstanding the above, on lots with
28 rear yards of 17 feet or less, a deck with a depth
29 of 12 feet may be permitted, but not closer than 2
30 feet to the rear lot line, if such lot line abuts open
31 space or an utility easement, not less than 10 feet
32 in width. In addition, on lots with a minimum
33 required side yard, not closer to that side lot line
34 than a distance equal to such minimum required
35 yard.
36

37 C. Any roofed deck with no part of its floor higher than three (3) feet
38 above finished ground level may extend into minimum required
39 yards as follows:

- 40
41 (1) Front yard: No extension
42
43 (2) Side yard: No extension
44
45 (3) Rear yard: 12 feet, but not closer than 5 feet to the rear lot
46 line, and on lots with a minimum required side

yard, not closer to that side lot line than a distance equal to such minimum required yard

46. The following shall apply to any deck attached to a multiple family dwelling, commercial, industrial or institutional structure:

A. Any open or roofed deck, not more than ten (10) feet in width and with no part of its floor higher than three (3) feet above finished ground level, may extend six (6) feet into any minimum required yard.

B. Any open or roofed deck, not more than ten (10) feet in width with any part of its floor higher than three (3) feet above finished ground level, may extend three (3) feet into any minimum required yard.

57. The BZA may approve a special permit to modify the provisions of this Section, but only in accordance with the provisions of Sect. 8-916.

Amend Part 8, Affordable Dwelling Unit Program, Sect. 2-803, Developments Exempt from the Affordable Dwelling Unit Program, by revising Par. 3 to read as follows:

Notwithstanding the provisions of Sect. 802 above, the requirements of this Part shall not apply to the following:

3. Proffered condition amendment, development plan amendment, final development plan amendment, planned district plan, planned district plan amendment and special exception amendment applications filed after July 31, 1990 which deal exclusively with issues of building relocation, ingress/egress, storm water drainage, or other engineering or public facilities issues, or the preservation of historic structures, child care facilities or changes in the size of units, a reduction in the number of units, a change in dwelling unit type which proposes no increase in density over the previously approved density or which request the addition of a special exception or special permit use. In addition, notwithstanding the definition of "site or portion thereof at one location" set forth in Par. 1 of Sect. 802 above, proffered condition amendment, development plan amendment, final development plan amendment, planned district plan, planned district plan amendment and special exception amendment applications filed after 12:01 AM March 31, 1998, which propose to add land area to a previously exempt development, provided, however, that such additional land area shall be subject to the provisions of this Part. The land area subject to the original zoning or special exception for which an amendment is sought shall remain in substantial conformance with such approved zoning or special exception.

1 **Amend Article 6, Planned Development District Regulations, as follows:**

2
3 - **Amend Part 1, PDH Planned Development Housing District, as follows:**

4
5 - **Amend Sect. 6-101, Purpose and Intent, to read as follows:**

6
7 The PDH District is established to encourage innovative and creative design ~~and~~
8 ~~to facilitate use of the most advantageous construction techniques~~ in the
9 development of land for residential and other selected secondary uses. The
10 district regulations are designed to promote high standards in the layout, design
11 and construction of residential development; to insure ~~ample~~ adequate provision
12 ~~and efficient~~ use of open space; to promote tree preservation and protect the
13 environmental features on the site to the greatest extent practical to promote
14 high standards in the layout, design and construction of residential development;
15 to minimize adverse effects on surrounding developments; ~~to promote balanced~~
16 ~~developments of mixed housing types~~; to encourage the provision of dwellings
17 within the means of families of low and moderate income; and otherwise to
18 implement the stated purpose and intent of this Ordinance.

19 To these ends, rezoning to and development under this district will be
20 permitted when it is determined it facilitates implementation of the adopted
21 comprehensive plan, and only in accordance with a conceptual/final
22 development or planned district plan prepared and approved in accordance with
23 the provisions of Article 16.

24
25 - **Amend Sect. 6-102, Principal Uses Permitted, by revising the introductory**
26 **paragraph to read as follows:**

27
28 The following principal uses shall be permitted subject to the approval of a final
29 development or planned district plan prepared in accordance with the provisions
30 of Article 16, and subject to the use limitations set forth in Sect. 106 below.

31
32 - **Amend Sect. 6-103, Secondary Uses Permitted, by revising the introductory**
33 **paragraph to read as follows:**

34
35 The following secondary uses shall be permitted only in a PDH District which
36 contains one (1) or more principal uses; only when such uses are presented on an
37 approved final development or planned district plan prepared in accordance with
38 the provisions of Article 16; and subject to the use limitations set forth in Sect.
39 106 below.

40
41 - **Amend Sect. 6-105, Special Exception Uses, by revising Par. 1 to read as**
42 **follows:**

43

1 1. Subject to the use limitations presented in Sect. 106 below, any use
 2 presented in Sect. 103 above as a Group or Category use may be permitted
 3 with the approval of a special exception when such use is not specifically
 4 designated on an approved final development or planned district plan.

5
 6 - **Amend Sect. 6-106, Use Limitations, by revising Paragraphs 3, 4, 5 and 6 to**
 7 **read as follows:**

8
 9 3. ~~When a use presented in Sect. 103 above as a Group or Category use is~~
 10 ~~being considered for approval on a final development plan, the standards~~
 11 ~~set forth in Articles 8 or 9 shall be used as a guide.~~

12 ~~When a use presented in Sect. 103 above as a Group or Category use~~
 13 ~~is being considered for approval as a special exception use, pursuant to~~
 14 ~~Sect. 105 above, the use shall be subject to the provisions of Article 9 and~~
 15 ~~the special permit standards of Article 8, if applicable. Provided that such~~
 16 ~~use is in substantial conformance with the approved conceptual~~
 17 ~~development plan and any imposed development conditions or proffered~~
 18 ~~conditions and is not specifically precluded by the approved final~~
 19 ~~development plan and any imposed development conditions or proffered~~
 20 ~~conditions and is not specifically precluded by the approved final~~
 21 ~~development plan, no final development plan amendment shall be~~
 22 ~~required.~~

23 ~~In either of the above, all Category 3 medical care facility uses shall~~
 24 ~~be subject to the review procedures presented in Part 3 of Article 9.~~

25 All uses permitted pursuant to the approval of a final development or
 26 planned district plan shall be in substantial conformance with the approved
 27 final development or planned district plan as provided for in Sect. 16-403.

28
 29 4. ~~All uses permitted pursuant to the approval of a final development plan~~
 30 ~~shall be in substantial conformance with the approved final development~~
 31 ~~plan as provided for in Sect. 16 403. When a use presented in Sect. 103~~
 32 ~~above as a Group or Category use is being considered for approval on a~~
 33 ~~final development plan or planned district plan, the standards set forth in~~
 34 ~~Articles 8 or 9 shall be used as a guide; however, when such a use is being~~
 35 ~~considered for approval as a special exception use, pursuant to Sect. 105~~
 36 ~~above, the use shall be subject to the provisions of Article 9 and the special~~
 37 ~~permit standards set forth in Article 8, as applicable.~~

38 In either of the above, all Category 3 medical care facility uses shall
 39 be subject to the review procedures presented in Part 3 of Article 9.

40

1 5. Secondary uses of a commercial and office nature shall be permitted only
2 in a PDH District which has a minimum of fifty (50) residential dwelling
3 units, except that the Board, in conjunction with the approval of a
4 ~~conceptual development~~ planned district plan in order for further
5 implementation of the adopted comprehensive plan, may modify this
6 limitation for the Group 6 outdoor recreation special permit uses and the
7 Category 5 special exception uses of golf courses, country clubs and golf
8 driving ranges.
9

10 6. Secondary uses of a commercial nature, except Group 6 outdoor recreation
11 uses, golf courses, country clubs, golf driving ranges and offices, shall be
12 designed to serve primarily the needs of the residents of the planned
13 development in which they are located, and such uses, including offices,
14 shall be designed so as to maintain and protect the residential character of
15 the planned development and adjacent residential neighborhoods as well.
16 In order to accomplish these purposes:
17

18 A. Commercial and office uses shall be conducted within a completely
19 enclosed building with no outside display except for outdoor seating
20 provided in association with an eating establishment and those uses
21 which by their nature must be conducted outside a building.
22

23 B. When located within the same building as residential uses,
24 commercial and office uses shall be limited to the lowest two (2)
25 floors.
26

27 C. The maximum total land area, including all at-grade off-street
28 parking and loading areas in connection therewith, devoted to
29 commercial and office uses, except Group 6 outdoor recreation uses,
30 golf courses, country clubs and golf driving ranges, shall be as
31 follows:
32

33 (1) PDH-1 through PDH-4: 400 square feet of commercial/ per
34 dwelling unit.
35

36 (2) PDH-5 through PDH-20: 300 square feet of commercial/ per
37 dwelling unit.
38

39 (3) PDH-30 and PDH-40: 200 square feet of commercial/ per
40 dwelling unit.
41

1 However, the Board may allow an increase in the commercial land
 2 area if there is a single commercial area proposed to serve two (2) or
 3 more contiguous PDH Districts which are planned and designed as a
 4 single planned development and which are zoned concurrently. The
 5 Board may approve such an increase with the ~~concurrent~~ approval of
 6 a ~~conceptual and final development~~ planned district plan which
 7 shows the layout, uses and intensity of the commercial land area. In
 8 such instance, the land area devoted to commercial use may be based
 9 on the total number of dwelling units in the PDH Districts, provided,
 10 however, that the resultant commercial land area shall not exceed
 11 twice that which would have been permitted otherwise for the
 12 individual PDH District in which the commercial land area is
 13 located.

14
 15 In no instance, however, shall office uses occupy more than ten (10)
 16 percent of the total gross floor area.

17
 18 - **Amend Sect. 6-107, Lot Size Requirements, to read as follows:**

- 19
 20 1. Minimum district size: Land shall be classified in the PDH District only
 21 on a parcel of two (2) acres or larger, unless waived by the Board in
 22 conjunction with the approval of a rezoning application, and only when the
 23 purpose and intent and all of the standards and requirements of the PDH
 24 District can be satisfied.
 25
 26 2. Minimum lot area: No requirement for each use or building, provided that
 27 a privacy yard, having a minimum area of 200 square feet, shall be
 28 provided on each single family attached dwelling unit lot, unless waived
 29 by the Board in conjunction with the approval of a planned district
 30 conceptual development plan or planned district plan, or by the Planning
 31 Commission in conjunction with the approval of a final development plan.
 32
 33 3. Minimum lot width: No requirement for each use or building.

34
 35 - **Amend Sect. 6-108, Bulk Regulations, to read as follows:**

- 36
 37 1. ~~The Maximum building height; , minimum yard requirements and~~
 38 ~~maximum floor area ratio shall be~~ Controlled by the standards set forth in
 39 Part 1 of Article 16.
 40
 41 2. Minimum yard requirements: Controlled by the standards set forth in Part
 42 1 of Article 16. In addition, minimum required yards shall be established
 43 as set forth below, unless otherwise specified on an approved final
 44 development or planned district plan or in any imposed development
 45 conditions or proffered conditions:
 46

1 A. Yards or distances between buildings and lot lines depicted on an
 2 approved final development or planned district plan or required by
 3 any imposed development conditions or proffered conditions shall be
 4 the minimum required yards.

5
 6 B. When no minimum required yards or distances between buildings
 7 and lot lines are depicted on an approved final development plan or
 8 planned district plan or required by imposed development conditions
 9 or proffered conditions, the minimum required yards shall be
 10 established at the time of site plan or grading plan approval and shall
 11 be subject to the minimum required yards of the conventional zoning
 12 district that most closely characterizes the PDH development. For
 13 the purpose of determining the most comparable conventional zoning
 14 district, the Zoning Administrator shall consider the density,
 15 intensity, dwelling unit type, use, lot area and lot width.

16
 17 C. Certain extensions into the minimum required yards may be
 18 permitted subject to the provisions of Sect. 2-412.

19
 20 D. Accessory structures shall be subject to the minimum required yards
 21 set forth in Paragraphs 2A and 2B above, and the provisions of Part 1
 22 of Article 10.

23
 24 3. Maximum floor area ratio: Controlled by the standards set forth in Part 1
 25 of Article 16.

26
 27 - **Amend Sect. 6-109, Maximum Density, by revising Par. 2 to read as follows:**

28
 29 2. The Board may, in its sole discretion, increase the maximum number of
 30 dwelling units in a PDH District in accordance with and when the
 31 ~~conceptual and the final development plans~~ planned district plan includes
 32 one (1) or more of the following: ~~but in no event shall such increase be~~
 33 ~~permitted when such features were used to meet the development criteria~~
 34 ~~in the adopted comprehensive plan and in no event shall the total number~~
 35 ~~of dwellings exceed 125% of the number permitted in Par. 1 above.~~

36
 37 A. Design features, amenities, open space and/or recreational facilities
 38 in the planned development which in the opinion of the Board are
 39 features which achieve an exceptional and high quality development
 40 - ~~As determined by the Board, but~~ Not to exceed five (5)% percent.

41
 42 B. Preservation and restoration of buildings, structures, or premises
 43 which have historic or architectural significance - ~~As determined by~~
 44 ~~the Board, but~~ Not to exceed five (5)% percent.

45

1 ~~C. Development of the subject property in conformance with the~~
 2 ~~comprehensive plan with a less intense use or density than permitted~~
 3 ~~by the current zoning district—As determined by the Board in each~~
 4 ~~instance, but not to exceed 10%.~~

5
 6 In no event shall an increase in density be permitted when such features
 7 were used to meet the Residential Development Criteria in the adopted
 8 comprehensive plan nor shall the total number of dwellings exceed 110
 9 percent of the number permitted in Par. 1 above.

10
 11 - **Amend Sect. 6-110, Open Space, by revising the lead in to Par. 1, and Par. 2**
 12 **to read as follows:**

13
 14 1. The following minimum amount of open space shall be provided in each
 15 PDH subdistrict, unless modified by the Board in accordance with the
 16 provisions of Sect. 9-612:

17
 18 2. As part of the open space to be provided in accordance with the
 19 provisions of Par. 1 above, there shall be a requirement to provide
 20 recreational facilities in all PDH Districts. The provision of such
 21 facilities shall be subject to the provisions of Sect. 16-404, and such
 22 requirements shall be based on a minimum expenditure of \$500 per
 23 dwelling unit for such facilities for rezoning applications which are
 24 accepted prior to October 3, 1997 and approved by March 24, 1998 and
 25 \$955 per dwelling unit for such facilities for rezoning applications which
 26 are accepted subsequent to October 3, 1997 or approved after March 24,
 27 1998, and either :

28
 29 A. The facilities shall be provided on-site by the developer in
 30 substantial conformance with the approved final development or
 31 planned district plan, and/or

32
 33 B. The Board may approve the provision of the facilities on land
 34 which is not part of the subject PDH District.

35
 36 Notwithstanding the above, in affordable dwelling unit
 37 developments, the requirement for a per dwelling unit expenditure shall
 38 not apply to affordable dwelling units.

39
 40 - **Amend Sect. 6-111, Additional Regulations, by revising Par. 1 to read as**
 41 **follows:**

42
 43 1. Refer to Article 16 for standards and final development or planned
 44 district plan requirements for all planned developments.

45
 46 - **Amend Part 2, PDC Planned Development District, as follows:**

1
2 - **Amend Sect. 6-201, Purpose and Intent, to read as follows:**

3
4 The PDC District is established to encourage the innovative and creative design
5 of commercial development and other selected secondary uses. The district
6 regulations are designed to accommodate preferred high density intensity land
7 uses which could produce detrimental effects on neighboring properties if not
8 strictly controlled as to location and design; to insure high standards in the
9 lay-out, design and construction of commercial developments; to promote tree
10 preservation and protect the environmental features on the site to the greatest
11 extent practical; and otherwise to implement the stated purpose and intent of this
12 Ordinance.

13 To these ends, rezoning to and development under this district will be
14 permitted only in accordance with a conceptual/final development or planned
15 district plan prepared and approved in accordance with the provisions of Article
16 16.

17
18 - **Amend Sect. 6-202, Principal Uses Permitted, by revising the introductory**
19 **paragraph to read as follows:**

20
21 The following principal uses shall be permitted subject to the approval of a final
22 development or planned district plan prepared in accordance with the provisions
23 of Article 16, and subject to the use limitations set forth in Sect. 206 below.

24
25 - **Amend Sect. 6-203, Secondary Uses Permitted, by revising the introductory**
26 **paragraph to read as follows:**

27
28 The following secondary uses shall be permitted only in a PDC District which
29 contains one (1) or more principal uses; only when such uses are presented on an
30 approved final development or planned district plan prepared in accordance with
31 the provisions of Article 16; and subject to the use limitations set forth in Sect.
32 206 below.

33
34 - **Amend Sect. 6-205, Special Exception Uses, by revising Par. 1 to read as**
35 **follows:**

36
37 1. Subject to the use limitations presented in Sect. 206 below, any use
38 presented in Sect. 203 above as a Group or Category use may be permitted
39 with the approval of a special exception when such use is not specifically
40 designated on an approved final development or planned district plan.

41
42 - **Amend Sect. 6-206, Use Limitations, by revising Paragraphs 3, 4, 5, 6 and**
43 **10 to read as follows:**

44
45

- 1 3. ~~When a use presented in Sect. 203 above as a Group or Category use is~~
2 ~~being considered for approval on a final development plan, the standards~~
3 ~~set forth in Articles 8 or 9 shall be used as a guide.~~

4 ~~When a use presented in Sect. 203 above as a Group or Category use~~
5 ~~is being considered for approval as a special exception use, pursuant to~~
6 ~~Sect. 205 above, the use shall be subject to the provisions of Article 9 and~~
7 ~~the special permit standards of Article 8, if applicable. Provided that such~~
8 ~~use is in substantial~~
9 ~~conformance with the approved conceptual development plan and any~~
10 ~~imposed development conditions or proffered conditions and is not~~
11 ~~specifically precluded by the approved final development plan, no final~~
12 ~~development plan amendment shall be required.~~

13 ~~In either of the above, all Category 3 medical care facility uses shall~~
14 ~~be subject to the review procedures presented in Part 3 of Article 9.~~

15 All uses permitted pursuant to the approval of a final development or
16 planned district plan shall be in substantial conformance with the approved
17 final development or planned district plan as provided for in Sect. 16-403.

- 18
19 4. ~~All uses permitted pursuant to the approval of a final development plan~~
20 ~~shall be in substantial conformance with the approved final development~~
21 ~~plan as provided for in Sect. 16-403.~~When a use presented in Sect. 203
22 ~~above as a Group or Category use is being considered for approval on a~~
23 final development plan or planned district plan, the standards set forth in
24 Articles 8 or 9 shall be used as a guide; however, when such a use is being
25 considered for approval as a special exception use, pursuant to Sect. 205
26 above, the use shall be subject to the provisions of Article 9 and the special
27 permit standards set forth in Article 8, as applicable.

28 In either of the above, all Category 3 medical care facility uses shall
29 be subject to the review procedures presented in Part 3 of Article 9.

- 30
31 5. Secondary uses shall be permitted only in a PDC District which contains
32 one (1) or more principal uses. Unless modified by the Board in
33 conjunction with the approval of a conceptual development or planned
34 district plan in order for further implementation of the adopted
35 comprehensive plan, the gross floor area devoted to dwellings as a
36 secondary use shall not exceed fifty (50) percent of the gross floor area of
37 all principal uses in the development, except that the floor area for
38 affordable and market rate dwelling units which comprise the increased
39 density pursuant to Part 8 of Article 2 shall be excluded from this
40 limitation. The gross floor area of all other secondary uses shall not exceed
41 twenty-five (25) percent of the gross floor area of all principal uses in the
42 development.

1 The floor area for dwellings shall be determined in accordance with the
2 gross floor area definition except the following features shall not be
3 deemed gross floor area: balconies, porches, decks, breezeways, stoops
4 and stairs which may be roofed but which have at least one open side; or
5 breezeways which may be roofed but which have two (2) open ends. An
6 open side or open end shall have no more than fifty (50) percent of the
7 total area between the side(s), roof and floor enclosed with railings, walls,
8 or architectural features.
9

- 10 6. Secondary uses shall be designed so as to maintain and protect the
11 character of adjacent properties, and shall be conducted entirely within an
12 enclosed building, with no outside display, except for outdoor seating
13 provided in association with an eating establishment and those uses which
14 by their nature must be conducted outside a building.
15
- 16 10. Fast food restaurants shall be permitted only in accordance with the
17 following:
18
- 19 A. Fast food restaurants may be permitted as a secondary use when
20 shown on an approved final development or planned district plan,
21 and provided such use is located in a nonresidential structure
22 containing at least one (1) other permitted principal or secondary use,
23 in accordance with the following:
24
- 25 (1) Such fast food restaurants shall be oriented to cater primarily to
26 occupants and/or employees in the structure in which located,
27 or of that structure and adjacent structures in the same building
28 complex which are accessible via a clearly designated
29 pedestrian circulation system; and
30
- 31 (2) Such use(s) shall comprise not more than fifteen (15) percent of
32 the gross floor area of the structure.
33
- 34 B. Fast food restaurants not permitted under the provisions of Par. 11A
35 above may be permitted as a secondary use by special exception, in
36 accordance with the following:
37
- 38 (1) The structure containing the fast food restaurant shall be
39 designed as an integral component of a building complex, and
40 shall be reviewed for compatibility with the approved PDC
41 development; and
42

(2) The fast food restaurant shall be safely and conveniently accessible from surrounding uses via a clearly defined pedestrian circulation system which minimizes points of conflict between vehicular and pedestrian traffic. Pedestrian ways shall be prominently identified through design features such as, but not limited to, the use of special pavement treatments for walkways and crosswalks, and/or the use of consistent and distinctive landscaping. Vehicular access to the use shall be provided via the internal circulation system of the building complex, and no separate entrance to the use shall be permitted from any thoroughfare intended to carry through traffic.

- **Amend Sect. 6-207, Lot Size Requirements, by revising Paragraphs 1 and 2 to read as follows:**

1. Minimum district size: No land shall be classified in the PDC District unless the Board finds that the proposed development meets at least one (1) of the following conditions:
 - A. The proposed development will yield a minimum of 100,000 square feet of gross floor area.
 - B. The proposed development will be a logical extension of an existing P district, in which case it must yield a minimum of 40,000 square feet of gross floor area.
 - C. The proposed development is located within an area designated as a Community Business Center in the adopted comprehensive plan or is in a Commercial Revitalization District and ~~a final development plan is submitted and approved concurrently with the conceptual development plan for the proposed development the conceptual and final development~~ the planned district plan shall specify the uses and gross floor area for the proposed development and ~~shall provide~~ site and building designs that will complement existing and planned development by incorporating high standards of urban design, to include provision for any urban design plans for the area and for pedestrian movement and access.
2. Minimum lot area: No requirement for each use or building, provided that a privacy yard, having a minimum area of 200 square feet, shall be provided on each single family attached dwelling unit lot, unless waived by the Board in conjunction with the approval of a conceptual development plan or planned district plan, or by the Planning Commission in conjunction with the approval of a final development plan.

1 - **Amend Sect. 6-208, Bulk Regulations, by revising Paragraphs 2 and 3 to**
2 **read as follows:**

3
4 2. Minimum yard requirements: Controlled by the standards set forth in Part
5 1 of Article 16. In addition, minimum required yards shall be established
6 as set forth below, unless otherwise specified on an approved final
7 development or planned district plan or in any imposed development
8 conditions or proffered conditions:

9
10 A. Yards or distances between buildings and lot lines depicted on an
11 approved final development or planned district plan or required by
12 any imposed development conditions or proffered conditions shall be
13 the minimum required yards.

14
15 B. When no minimum required yards or distances between buildings
16 and lot lines are depicted on an approved final development or
17 planned district plan or required by imposed development conditions
18 or proffered conditions, the minimum required yards shall be
19 established at the time of site plan or grading plan approval and shall
20 be subject to the minimum required yards of the conventional zoning
21 district that most closely characterizes the PDC development. For
22 the purpose of determining the most comparable conventional zoning
23 district, the Zoning Administrator shall consider the density,
24 intensity, dwelling unit type, use, lot area and lot width.

25
26 C. Certain extensions into the minimum required yards may be
27 permitted subject to the provisions of Sect. 2-412.

28
29 D. Accessory structures shall be subject to the minimum required yards
30 set forth in paragraphs 2A and 2B above, and the provisions of Part 1
31 of Article 10.

32
33 3. Maximum floor area ratio: 1.5, which may be increased by the Board, in
34 its sole discretion, up to a maximum of 2.5 in accordance with and when
35 the ~~conceptual and final development~~ planned district plans includes one
36 (1) or more of the following:

37
38 A. More open space than the minimum required by Sect. 209 below -
39 Not more than two (2) percent% for each additional one (1) percent%
40 of the gross area provided in open space.
41

- 1 B. Unique design features and amenities within the planned
 2 development which require unusually high development costs and
 3 which achieve an especially attractive and desirable development,
 4 such as, but not limited to, terraces, sculpture, reflecting pools and
 5 fountains - ~~As determined by the Board in each instance, but Not to~~
 6 ~~exceed~~ more than thirty-five (35) % percent.
 7
- 8 C. Below-surface off-street parking facilities - Not more than five (5)
 9 percent % for each twenty (20) percent % of the required number of
 10 parking spaces to be provided.
 11
- 12 D. Above-surface off-street parking facilities within an enclosed
 13 building or structure - Not more than three (3) percent % for each
 14 twenty (20) percent % of the required number of parking spaces to be
 15 provided.
 16

17 The maximum floor area ratio permitted by this Part shall exclude the floor
 18 area for affordable and bonus market rate dwelling units provided in
 19 accordance with Part 8 of Article 2.
 20

21 - **Amend Sect. 6-209, Open Space, to read as follows:**
 22

- 23 1. Fifteen (15)% percent of the gross area shall be open space, unless
 24 modified by the Board in accordance with the provisions of Sect. 9-612.
 25
- 26 2. In a PDC development where dwelling units are proposed as a secondary
 27 use, as part of the open space to be provided in accordance with the
 28 provisions of Par. 1 above, there shall be a requirement to provide
 29 recreational facilities for the enjoyment of the residents of the dwelling
 30 units. The provision of such facilities shall be subject to the provisions
 31 of Sect. 16-404 and such requirement shall be based on a minimum
 32 expenditure of \$500 per dwelling unit for such facilities for rezoning
 33 applications accepted prior to October 3, 1997 and approved by March
 34 24, 1998 and \$955 per dwelling unit for such facilities for rezoning
 35 applications accepted subsequent to October 3, 1997 or approved after
 36 March 24, 1998, and either :
 37
- 38 A. The facilities shall be provided on-site by the developer in
 39 substantial conformance with the approved final development or
 40 planned district plan. In the administration of this provision, credit
 41 shall be considered where there is a plan to provide common
 42 recreational facilities for the residents of the dwelling units and the
 43 occupants of the principal uses, and/or
 44
- 45 B. The Board may approve the provision of the facilities located on
 46 property which is not part of the subject PDC District.
 47

1 Notwithstanding the above, in affordable dwelling unit
 2 developments, the requirement for a per dwelling unit expenditure shall
 3 not apply to affordable dwelling units.
 4

5 - **Amend Sect. 6-210, Additional Regulations, by revising Par. 1 to read as**
 6 **follows:**

- 7
 8 1. Refer to Article 16 for standards and final development or planned
 9 district plan requirements for all planned developments.
 10

11 - **Amend Part 4, PRM Planned Residential Mixed Use District, as follows:**

12
 13 - **Amend Sect. 6-401, Purpose and Intent, to read as follows:**

14
 15 The PRM District is established to provide for high density, multiple family
 16 residential development, generally with a minimum density of forty (40)
 17 dwelling units per acre; for mixed use development consisting primarily of
 18 multiple family residential development, generally with a density of at least
 19 twenty (20) dwelling units per acre, with secondary office and/or other
 20 commercial uses. PRM Districts should be located in those limited areas where
 21 such high density residential or residential mixed use development is in
 22 accordance with the adopted comprehensive plan such as within areas delineated
 23 as Transit Station Areas, and Urban and Suburban Centers. The PRM District
 24 regulations are designed to promote high standards in design and layout, to
 25 encourage compatibility among uses within the development, integration with
 26 adjacent developments, to promote tree preservation and protect the
 27 environmental features on the site to the greatest extent practical, and to
 28 otherwise implement the stated purpose and intent of this Ordinance.

29 To these ends, rezoning to and development under this district will be
 30 permitted only in accordance with conceptual/final development or planned
 31 district plans prepared and approved in accordance with the provisions of Article
 32 16.
 33

34 - **Amend Sect. 6-402, Principal Uses Permitted, to read as follows :**

35
 36 The following principal uses shall be permitted subject to the approval of a final
 37 development or planned district plan prepared in accordance with the provisions
 38 of Article 16, and subject to the use limitations set forth in Sect. 406 below.
 39

- 40 1. Dwellings, multiple family.
 41
 42 2. Public uses.
 43

44 - **Amend Sect. 6-403, Secondary Uses Permitted, by revising the introductory**
 45 **paragraph to read as follows:**
 46

1 The following secondary uses shall be permitted only in a PRM District which
 2 contains one (1) or more principal uses, only when such uses are presented on an
 3 approved final development or planned district plan prepared in accordance with
 4 the provisions of Article 16, and subject to the use limitations set forth in Sect.
 5 406 below.

6
 7 - **Amend Sect. 6-405, Special Exception Uses, by revising Par. 1 to read as**
 8 **follows:**

9
 10 1. Subject to the use limitations presented in Sect. 406 below, any use
 11 presented in Sect. 403 above as a Group or Category use may be permitted
 12 with the approval of a special exception when such use is not specifically
 13 designated on an approved final development or planned district plan.
 14

15 - **Amend Sect. 6-406, Use Limitations, by revising Paragraphs 2, 5 and 11 to**
 16 **read as follows:**

17
 18 2. ~~A final development plan shall be submitted and approved concurrently~~
 19 ~~with the conceptual development plan for the proposed development.~~ The
 20 conceptual and /final development or planned district plan shall specify the
 21 uses and gross floor area for the proposed development and shall provide
 22 site and building designs that will integrate with the adjacent communities
 23 and complement existing and planned development by incorporating high
 24 standards for urban design. The conceptual/final or planned district plan
 25 shall also be in general accordance with any specific urban design concept
 26 and streetscape plans for the area including the provision of convenient
 27 and accessible pedestrian walkways and connections, all as set forth in the
 28 adopted comprehensive plan.
 29

30 5. When a use presented in Sect. 403 above as a Group or Category use is
 31 being considered for approval on a final development plan or planned
 32 district plan, the standards set forth in Articles 8 or 9 shall be used as a
 33 guide; ~~however when such a use presented in Sect. 403 above as a Group~~
 34 ~~or Category use is being considered for approval as a special exception~~
 35 use, pursuant to Sect. 405 above, the use shall be subject to the provisions
 36 of Article 9 and the special permit standards of Article 8, if as applicable.

37 ~~Provided that such use is in substantial conformance with the~~
 38 ~~approved conceptual development plan and any imposed development~~
 39 ~~conditions or proffered conditions and is not specifically precluded by the~~
 40 ~~approved final development plan, no final development plan amendment~~
 41 ~~shall be required.~~

42 In either of the above, all Category 3 medical care facility uses shall
 43 be subject to the review procedures presented in Part 3 of Article 9.
 44

1 11. All uses permitted pursuant to the approval of a final development or
 2 planned district plan shall be in substantial conformance with the approved
 3 final development or planned district plan as provided for in Sect. 16-403.
 4

5 - **Amend Sect. 6-407, Lot Size Requirements, by revising Paragraphs 1 and 2**
 6 **to read as follows:**
 7

8 1. Minimum district size: Two (2) acres, unless waived by the Board in
 9 conjunction with the approval of rezoning application, and provided the
 10 proposed development is in accordance with the adopted comprehensive
 11 plan and the purpose and intent and all of the standards and requirements
 12 of the PRM District.
 13

14 2. Minimum lot area: No requirement for each use or building, provided
 15 that a privacy yard, having a minimum area of 200 square feet, shall be
 16 provided on each single family attached dwelling unit lot, unless waived
 17 by the Board in conjunction with the approval of a ~~rezoning application~~
 18 conceptual/final development or planned district plan or by the Planning
 19 Commission in conjunction with the approval of a subsequent final
 20 development plan amendment.
 21

22 - **Amend Sect. 6-408, Bulk Regulations, to read as follows:**
 23

24 1. ~~Maximum building height; and minimum yard requirements shall be~~
 25 Controlled by the standards set forth in Part 1 of Article 16.
 26

27 2. Minimum yard requirements: Controlled by the standards set forth in
 28 Part. 1 of Article 16. In addition, minimum required yards shall be
 29 established as set forth below, unless otherwise specified on an approved
 30 conceptual/final development or planned district plan or in any imposed
 31 development conditions or proffered conditions:
 32

33 A. Yards or distances between buildings and lot lines depicted on an
 34 approved conceptual/final development or planned district plan or
 35 required by any imposed development conditions or proffered
 36 conditions shall be the minimum required yards.
 37

38 B. When no minimum yards or distances between buildings and lot
 39 lines are depicted on an approved conceptual/final development or
 40 planned district plan or required by proffered condition or
 41 development conditions, the minimum required yards shall be
 42 established at the time of site plan or grading plan approval and
 43 shall be subject to the minimum required yards of the conventional
 44 zoning district that most closely characterizes the PRM
 45 development. For the purpose of determining the most comparable
 46 conventional zoning district, the Zoning Administrator shall

1 consider the density, intensity, dwelling unit type, use, lot area and
 2 lot width.

3
 4 C. Certain extensions into the minimum required yards may be
 5 permitted subject to the provisions of Sect. 2-412.

6
 7 D. Accessory structures shall be subject to the minimum required
 8 yards set forth in Paragraphs 2A and 2B above, and the provisions
 9 of Part 1 of Article 10.

10
 11 23. Maximum floor area ratio: 3.0

12
 13 - **Amend Sect. 6-409, Open Space, to read as follows:**

14
 15 1. Twenty (20)% percent of the gross area shall be open space, unless
 16 modified by the Board in accordance with the provisions of Sect. 9-612.

17
 18 2. In addition to Par. 1 above, there shall be a requirement to provide
 19 recreational facilities. The provision of such facilities shall be subject to
 20 the provisions of Sect. 16-404, however, recreational facilities, such as
 21 swimming pools, exercise rooms, or health clubs, which are located on
 22 rooftops, deck areas and/or areas within a building, may be used to fulfill
 23 this requirement. The requirement for providing recreational facilities
 24 shall be based on a minimum expenditure of \$955 per dwelling unit for
 25 such facilities and either:

26
 27 A. The facilities shall be provided on-site by the developer in
 28 substantial conformance with the approved final development or
 29 planned district plan, and/or

30
 31 B. The Board ~~may~~ approve the provision of the facilities on land
 32 which is not part of the subject PRM District.

33
 34 Notwithstanding the above, in affordable dwelling unit
 35 developments, the requirement for a per dwelling unit expenditure shall
 36 not apply to affordable dwelling units.

37
 38 - **Amend Sect. 6-410, Additional Regulations, by revising Par. 1 to read as**
 39 **follows:**

40
 41 1. Refer to Article 16 for standards and final development or planned
 42 district plan requirements for all planned developments.

43
 44
 45 **Amend Article 8, Special Permits, as follows:**

46

1 - **Amend Part 2, Group 2 Interment Uses, Sect. 8-202, Districts in Which Group 2**
 2 **Uses May be Located, by revising the P district entries in Par. 1 to read as**
 3 **follows:**

- 4
 5 1. Group 2 uses may be permitted by right in the following districts:

6
 7 PDH District: All uses when represented on an approved final development or
 8 planned district plan

9 ~~PDH~~, PRC Districts: All uses when represented on an approved development plan

10
 11 - **Amend Part 3, Group 3 Institutional Uses, Sect. 8-302, Districts in Which Group**
 12 **3 Uses May be Located, by revising the P district entries in Par. 1 to read as**
 13 **follows:**

- 14
 15 1. Group 3 uses may be permitted by right in the following districts:

16
 17 PDH, PDC, ~~PRC~~ Districts: All uses when represented on an approved final
 18 development or planned district plan

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

20 PRM District: Limited to uses 2, 5 and 10 when represented on an approved
 21 conceptual/final development or planned district plan

22
 23 - **Amend Part 4, Group 4 Community Uses, Sect. 8-402, Districts in Which Group**
 24 **4 Uses May be Located, by revising the P district entries in Par. 1 to read as**
 25 **follows:**

- 26
 27 1. Group 4 uses may be permitted by right in the following districts:

28
 29 PDH, PDC, ~~PRC~~ Districts: All uses when represented on an approved final
 30 development or planned district plan

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

32
 33 - **Amend Part 5, Group 5 Commercial Recreation Uses, Sect. 8-502, Districts in**
 34 **Which Group 5 Uses May be Located, by revising the P district entries in Par. 1**
 35 **to read as follows:**

- 36
 37 1. Group 5 uses may be permitted by right in the following districts:

38
 39 PDH District: Limited to uses 1, 2, 4, 6, 8 and 9 when represented on an approved
 40 final development or planned district plan

41 PDC District: Limited to uses 1, 2, 4, 6, 7, 8, 9 and 10 when represented on an
 42 approved final development or planned district plan

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

44 PRM District: Limited to uses 1, 4, 6, indoor archery ranges, fencing and other
 45 similar indoor recreational uses, 9 and 10 when represented on an approved
 46 conceptual/final development or planned district plan

47

1 - **Amend Part 6, Group 6 Outdoor Recreation Uses, Sect. 8-602, Districts in Which**
 2 **Group 6 Uses May be Located, by revising Par. 1 to read as follows:**

- 3
 4 1. Group 6 uses may be permitted by right in the following districts:

5
 6 PDH District: Limited to uses 6, 8 and 9 when represented on an approved
 7 final development or planned district plan

8 PRC District: Limited to uses 2, 6 and 8 when represented on an approved
 9 development plan

10
 11
 12 **Amend Article 9, Special Exceptions, as follows:**

13
 14 - **Amend Part 1, Category 1 Light Public Utility Uses, Sect. 9-102, Districts in**
 15 **Which Category 1 Uses May be Located, by revising the P district entries in**
 16 **Par. 1 to read as follows:**

- 17
 18
 19 1. Category 1 uses may be permitted by right in the following districts:

20
 21 All-P PDH, PDC Districts: All uses when represented on an approved final
 22 development or planned district plan or as permitted by Sect. 2-514

23 PRC District: All uses when represented on an approved development plan or
 24 as permitted by Sect. 2-514

25 PRM District: All uses when represented on an approved conceptual/final
 26 development or planned district plan or as permitted by Sect. 2-514

27
 28 - **Amend Part 3, Category 3 Quasi-Public Uses, Sect. 9-302, Districts in Which**
 29 **Category 3 Uses May be Located, by revising the P district entries in Par. 1 to**
 30 **read as follows:**

- 31
 32 1. Category 3 uses may be permitted by right in the following districts:

33
 34 PDH, PDC Districts: Limited to uses 1, 2, 3, 4, 5, 6, 7, 8, 10, 11, 12, 13, 14
 35 and 15 when represented on an approved final development or planned district
 36 plan

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

38 PRM District: Limited to uses 1, 3, 4, 5, 6, 7, 10, 11, 12 and 15 when
 39 represented on an approved conceptual/final development or planned district
 40 plan

41
 42 - **Amend Part 4, Category 4 Transportation Facilities, Sect. 9-402, Districts in**
 43 **Which Category 4 Uses May be Located, to read as follows:**

- 44
 45 1. Category 4 uses may be permitted by right in the following districts ~~when~~
 46 ~~represented on an approved development plan:~~

47

1 PDH, PDC Districts: Limited to uses 2, 3, 4 and 5 when represented on an
2 approved final development or planned district plan

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

4 PRM District: Limited to uses 2 and 5 when represented on an approved
5 conceptual/final development or planned district plan

6
7 - **Amend Part 5, Category 5 Commercial and Industrial Uses of Special Impact,**
8 **as follows:**

9
10 - **Amend Sect. 9-502, Districts in Which Category 5 Uses May be Located,**
11 **by revising the P district entries in Par. 1 to read as follows:**

12
13 1. Category 5 uses may be permitted by right or as an accessory service use
14 in the following districts:

15
16 PDH District: Limited to uses 2, 6, 9, 15, 17, 20, 21, 23, 32, 33, 36, 38,
17 39 and kennels (indoor) when represented on an approved final
18 development or planned district plan

19 PDC District: Limited to uses 1, 2, 3, 6, 9, 10, 11, 14, 15, 17, 18, 20, 21,
20 22, 23, 25, 32, 33, 36, 38, 39 and kennels (indoor) when represented on
21 an approved final development or planned district plan

22 PRC District: Limited to uses 1, 2, 3, 6, 9, 11, 12, 14, 15, 17, 18, 20, 21,
23 22, 23, 25, 32, 33, 36, 37, 38, 39, kennels (indoor) and 42 when
24 represented on an approved development plan

25 PRM District: Limited to uses 9, 11, 14, 17, 20, 22, 25 and 32 when
26 represented on an approved conceptual/final development or planned
27 district plan

28
29 - **Amend Sect. 9-507, Additional Standards for Convenience Centers, by**
30 **revising Paragraphs 1 and 2 to read as follows:**

31
32 1. No convenience center shall be approved in a neighborhood or
33 subdivision which has been recorded or recorded in part prior to the
34 effective date of this Ordinance. ~~In addition, no convenience center shall~~
35 ~~be located on a lot adjacent to existing dwellings, unless such center was~~
36 ~~represented on an approved development plan.~~

37
38 2. The approval of a special exception for a convenience center shall be
39 subject to the approval of a ~~development~~ plan prepared in accordance
40 with the provisions of ~~Sett.~~ Sections 16-501 or 16-502.

41
42 - **Amend Sect. 9-520, Additional Standards for Commercial Off-Street**
43 **Parking in Metro Station Areas as a Temporary Use, by revising**
44 **Paragraphs 2 and 3 to read as follows:**

45

1 The purpose of this special exception is to provide for an interim solution to
 2 Metro Station parking deficiencies by allowing private property within a
 3 specified distance of a Metro Station to be used temporarily for parking. The
 4 temporary parking lot use is intended only as an interim use to serve a public
 5 need and not as a transitional use to a higher density or intensity development
 6 than currently is planned. To this end, the Board may approve a special
 7 exception to allow a privately operated commercial off-street parking lot, as a
 8 temporary use, in Metro Station areas, but only in accordance with the
 9 following provisions:

10
 11 In all districts where permitted by special exception:

- 12
- 13 2. The applicant shall demonstrate that the use of a site for temporary
 14 off-street parking and all improvements thereof shall not preclude the
 15 ultimate development of the site in accordance with the existing zoning,
 16 any proffered conditions, approved development plans, approved
 17 conceptual development plans, approved final development plans,
 18 approved planned district plans and/or the adopted comprehensive plan.
 19
- 20 3. In addition to the submission requirements set forth in Sect. 011 above,
 21 grading plans and plans for drainage provisions shall be provided. Any
 22 grading associated with the use of a site for temporary off-street parking
 23 shall be limited to that which should be allowed for the permanent
 24 development of the site in accordance with the existing zoning, any
 25 proffered conditions, approved development plans, approved conceptual
 26 development plans, approved final development plans, approved planned
 27 district plans, and/or the adopted comprehensive plan.
 28
 29

30 **Amend Article 10, Accessory Uses, Accessory Service Uses and Home Occupations, as**
 31 **follows:**

32

33 - **Amend Part 1, Accessory Uses and Structures, Sect. 10-104, Location**
 34 **Regulations, by revising the introductory paragraphs to Paragraphs 10 and 12**
 35 **to read as follows:**

- 36
- 37 10. The ~~following~~ regulations listed below shall apply to the location of
 38 freestanding accessory storage structures, unless otherwise limited by any
 39 approved development, final development or planned district plan or any
 40 imposed development conditions or proffered conditions. Freestanding
 41 accessory storage structures shall be in substantial conformance with any
 42 proffered conditions or any approved development, final development or
 43 planned district plans.:
 44
- 45 12. The ~~following~~ regulations listed below shall apply to the location of all
 46 freestanding structures or uses, except those specifically set forth in other

1 paragraphs of this Section, unless otherwise regulated by any approved
 2 development, final development or planned district plan or any imposed
 3 development conditions or proffered conditions. All freestanding accessory
 4 storage structures shall be in substantial conformance with any proffered
 5 conditions or any approved development, final development or planned district
 6 plans.;

7
 8 - **Amend Part 2, Accessory Service Uses, Sect. 10-203, Use Limitations, by**
 9 **revising Par. 3 to read as follows:**

- 10
 11 3. Accessory service uses in the C-4 District may be located in a freestanding
 12 building separate from the principal use, and an eating establishment in the I-1
 13 through I-5 Districts may also be located in a freestanding building; but such
 14 freestanding buildings shall be allowed only in those locations shown on an
 15 approved proffered generalized development plan or site plan for an office
 16 facility or industrial park.

17 Those accessory service uses set forth in Par. 2E of Sect. 202 above, which
 18 by their nature must be conducted outside a building, shall be located on the
 19 same lot as the principal use.
 20
 21

22 **Amend Article 13, Landscaping and Screening, as follows:**

23
 24 - **Amend Part 1, General Regulations, Sect. 13-102, Applicability, by revising**
 25 **Par. 2 to read as follows:**

26
 27 The provisions of this Article shall apply to all development subject to the provisions
 28 of Article 17, except the following:
 29

- 30 2. Site plans filed pursuant to proffered conditions or a development plan or final
 31 development plan approved by the Board of Supervisors prior to December
 32 10, 1977.
 33

34 - **Amend Part 3, Transitional Screening and Barriers, Sect. 13-304, Transitional**
 35 **Screening and Barrier Waivers and Modifications, by revising Par. 1 to read as**
 36 **follows:**

37
 38 Transitional screening and barriers may be waived or modified by the Director in any
 39 of the following circumstances. The Director may attach conditions to any waiver or
 40 modification which would assure that the results of the waiver or modification would
 41 be in accordance with the purpose and intent of this Part.
 42

- 43 1. Transitional screening and barriers may be waived or modified between uses
 44 that are to be developed under a common final development or planned district
 45 plan in the PDC or PRM Districts or a common development or site plan or
 46 series of development or site plans within a PRC District when compatibility

1 between uses has been addressed through a combination of the location and
2 arrangement of buildings or through architectural or landscaping treatments.
3
4

5 **Amend Article 14, Performance Standards, Part 9, Outdoor Lighting Standards, as**
6 **follows:**
7

8 - **Amend Sect. 14-903, Lighting Standards for Certain Commercial Uses, by**
9 **revising Paragraphs 1, 2 and 3 to read as follows:**
10

11 In addition to Sect. 902 above, outdoor lighting fixtures associated with service
12 stations, service station/mini-marts and vehicle sale, rental and ancillary service
13 establishments shall be subject to the following:
14

- 15 1. Service station and service station/mini-mart canopy lighting shall not exceed
16 a maintained lighting level of thirty (30) footcandles under the canopy as
17 measured horizontally at grade. However, a higher or lower maintained
18 lighting level, not to exceed fifty (50) footcandles, may be specified by the
19 Board in conjunction with the approval of a special exception, development
20 plan, planned district plan or proffered rezoning. All underside canopy
21 lighting shall consist of full cut-off lighting fixtures.
22
- 23 2. Outdoor display area lighting used in conjunction with a vehicle sale, rental
24 and ancillary service establishment shall not exceed a maintained lighting
25 level of thirty (30) footcandles as measured horizontally at grade. However, a
26 higher or lower maintained lighting level, not to exceed fifty (50) footcandles,
27 may be specifically approved by the Board in conjunction with the approval of
28 a special exception, development plan, planned district plan or proffered
29 rezoning. For the purposes of this Part, outdoor display areas shall include all
30 display/storage areas for vehicles offered for sale or rent and the associated
31 travel lanes.
32
- 33 3. A photometric plan shall be required for these uses in accordance with one of
34 the following:
35

- 1 A. As part of the submission of a Category 5 or 6 special exception,
2 development plan, planned district plan or rezoning application for a
3 service station, service station/mini-mart, or vehicle sale, rental and
4 ancillary service establishment. A photometric plan shall be subject to
5 approval by the Board in conjunction with a special exception,
6 development plan, planned district plan or proffered rezoning and a
7 photometric plan approved by the Board shall be submitted as part of a
8 site plan submission for such use. Upon written request with
9 justification, the Zoning Administrator may modify a submission
10 requirement of Par. 4 below for a special exception, development plan,
11 planned district plan or rezoning application if it is determined that the
12 requirement is not necessary for an adequate review of the photometric
13 plan.
14
- 15 B. As part of a site plan submission or as a separate submission, when site
16 plan approval is not required. Upon written request with justification,
17 the Director may modify a submission requirement of Par. 4 below if it is
18 determined that the requirement is not necessary for an adequate review
19 the photometric plan. Such photometric plan shall be subject to review
20 and approval by the Director.
21

22 - **Amend Sect. 14-904, Outdoor Recreation/Sports Facility Lighting Requirements,**
23 **by revising Paragraphs 1, 3 and 5 to read as follows:**
24

25 When an outdoor recreation/sports facility has illuminated playing fields/courts that,
26 individually or cumulatively, exceed 10,000 square feet in area, and/or associated
27 light poles that exceed 20 feet in height, the playing fields/courts shall be subject to
28 the provisions of this Section. Other components of such facilities, to include, but not
29 limited to, parking lots, administrative offices, restrooms, ticket sales, concession
30 stands and bleachers or other spectator viewing areas, shall not be subject to this
31 Section, but shall be subject to the provisions of Sect. 902 above. An outdoor
32 recreation/sports facility that has illuminated playing fields/courts, either individually
33 or cumulatively, that are 10,000 square feet or less in area and/or contain associated
34 light poles 20 feet or less in height, shall not be subject to this Section. For the
35 purposes of this Section, the perimeter area defined in Par. 2B below shall be included
36 in the area of the playing field/court.
37

- 38 1. A sports illumination plan shall be required in accordance with one of the
39 following:
40
- 41 A. As part of the submission of a Group 4, 5 or 6 special permit, Category 3
42 or 5 special exception, development plan, planned district plan or
43 rezoning application for outdoor recreation/sports facilities. A sports
44 illumination plan shall be subject to approval by either the BZA in
45 conjunction with a special permit or the Board in conjunction with a
46 special exception, development plan, planned district plan or proffered

1 rezoning and a sports illumination approved by the BZA or Board shall
 2 be submitted as part of site plan submission for such use. Upon a written
 3 request with justification, the Zoning Administrator may modify a
 4 submission requirement of Par. 2 below for a special permit, special
 5 exception, development plan, planned district plan or rezoning
 6 application if it is determined that the requirement is not necessary for an
 7 adequate review of the sports illumination plan.

8
 9 B. For an outdoor recreation/sports facility that is permitted by right in the
 10 zoning district in which located, as part of the site plan submission or as
 11 a separate submission, when site plan approval is not required. Upon a
 12 written request with justification, the Director may modify a submission
 13 requirement of Par. 2 below if it is determined that the requirement is not
 14 necessary for an adequate review of the sports illumination plan. Such
 15 sports illumination plan shall be subject to review and approval by the
 16 Director.

17
 18 3. The lighting for playing field/courts and associated perimeter areas shall
 19 comply with the maximum footcandle levels indicated for the specific uses
 20 listed in Table IV below, unless a lesser limit is specifically approved by the
 21 BZA in conjunction with the approval of special permit, or by the Board in
 22 conjunction with the approval of a special exception, planned district plan,
 23 development plan or proffered rezoning. Footcandle measurements shall be
 24 measured horizontally three (3) feet above grade level and shall represent
 25 maintained lighting levels. The Zoning Administrator shall determine
 26 maximum permitted lighting levels for outdoor recreation/sports facilities
 27 which are not listed in Table IV.

28
 29 5. The use of outdoor playing field/court lighting shall not be permitted between
 30 the hours of 11:00 PM and 7:00 AM, unless other hours are specifically
 31 approved by the BZA in conjunction with the approval of a special permit, or
 32 by the Board in conjunction with the approval of a special exception, planned
 33 district plan, development plan or proffered rezoning.

34
 35
 36 **Amend Article 16, Development Plans, as follows:**

37
 38 - **Amend Part 1, Standards for All Planned Developments, as follows:**

39
 40 - **Amend Sect. 16-101, General Standards, to read as follows:**

41
 42 A. rezoning application, final development plan, planned district plan
 43 amendment or development plan amendment application may only be approved
 44 for a planned development under the provisions of Article 6 if the planned
 45 development satisfies the following general standards:
 46

- 1 1. The planned development shall substantially conform to the adopted
2 comprehensive plan with respect to type, character, intensity of use and
3 public facilities, including conformance with the Residential Development
4 Criteria in the adopted comprehensive plan, when appropriate. Planned
5 developments shall not exceed the density or intensity permitted by the
6 adopted comprehensive plan, except as expressly permitted under the
7 applicable density or intensity bonus provisions.
8
- 9 2. The planned development shall be of such design that it will result in a
10 development achieving the stated purpose and intent of the planned
11 development district more than ~~would~~ development under a conventional
12 zoning district.
13
- 14 3. ~~The planned development shall efficiently utilize the available land, and~~
15 ~~shall protect and preserve to the extent possible all scenic assets and~~
16 ~~natural features such as trees, streams and topographic features~~ The
17 planned development shall respect the environment by, but not limited to:
18 the protection, enhancement and/or restoration of the habitat value and
19 pollution reduction potential of floodplains, Resource Protection Areas,
20 woodlands, wetlands and other environmentally sensitive areas; the
21 consideration of existing topographic and soil conditions; the maintenance
22 of natural topography to the maximum extent practical; the minimization
23 of off-site water quality impacts; the management of the volume and
24 velocity of stormwater runoff in order to avoid impact on downstream
25 properties; the protection of residents and occupants from the adverse
26 impacts of transportation generated noise; the reduction of the amount of
27 glare and impacts to the night sky from outdoor lighting; and the use of
28 site design techniques and landscaping to achieve energy savings.
29
- 30 4. The planned development shall be designed to take advantage of existing
31 quality tree cover. To the greatest extent practical, tree cover requirements
32 shall be met through the preservation of existing trees and, where feasible
33 and appropriate, transplanting existing trees.
34
- 35 5. The planned development shall minimize adverse transportation impacts
36 by providing safe and adequate access to the road network, maintaining the
37 ability of local streets to safely accommodate traffic, and offsetting the
38 impact of additional traffic through such commitments as the provision of
39 signals and other traffic control measures, capacity enhancements to
40 nearby arterial and collector streets, right-of-way dedications, phasing of
41 development to coincide with identified transportation improvements, and
42 the construction of other improvements.
43
- 44 46. The planned development shall be designed to prevent substantial injury to
45 the use and value of existing surrounding development, and shall not

1 hinder, deter or impede development of surrounding undeveloped
 2 properties in accordance with the adopted comprehensive plan.

3
 4 57. The planned development shall be located in an area in which
 5 transportation, police and fire protection, other public facilities and public
 6 utilities, including sewerage, are or will be available and adequate for the
 7 uses proposed; provided, however, that the applicant may make provision
 8 for such facilities or utilities which are not presently available.

9
 10 68. The planned development shall provide coordinated vehicular and
 11 pedestrian linkages among internal facilities and services as well as
 12 connections to major external facilities and services at a scale appropriate
 13 to the development.

14
 15 - **Amend Sect. 16-102, Design Standards, to read as follows:**

16
 17 Whereas it is the intent to allow flexibility in the design of all planned
 18 developments, it is deemed necessary to establish design standards by which to
 19 review rezoning applications, development plans, ~~conceptual development~~
 20 planned district plans, final development plans, PRC plans, site plans and
 21 subdivision plats. Therefore, the following design standards shall apply:
 22

23 1. In order to complement development on adjacent properties, at all
 24 peripheral boundaries of the planned development district the bulk
 25 regulations, and landscaping and screening provisions shall generally
 26 conform to the provisions of that conventional zoning district which most
 27 closely characterizes the particular type of development under
 28 consideration.

29
 30 2. The layout of the development shall provide logical, functional and
 31 appropriate relationships among the various elements of the planned
 32 district and the adjacent properties, including, but not limited to uses,
 33 dwellings, buildings, yards, streets, stormwater management facilities,
 34 parking areas, existing vegetation and open space.

35
 36 23. Other than those regulations specifically set forth in Article 6 for a
 37 particular P district, the open space, off-street parking, loading, sign and all
 38 other similar regulations set forth in this Ordinance shall have general
 39 application in all planned developments.

40
 41 4. The open space areas shall be designed in such a manner to be usable,
 42 accessible and well integrated into the overall planned development.

43
 44 5. Residential on-street and off-street parking shall be designed in such a
 45 manner to ensure adequate and accessible parking for residents and visitors
 46 throughout the residential portion of the planned development.

1
 2 36. Streets and driveways shall be designed to generally conform to the
 3 provisions set forth in this Ordinance and all other County ordinances and
 4 regulations controlling same, and where applicable, street systems shall be
 5 designed to afford convenient access to mass transportation facilities. In
 6 addition, a network of trails and sidewalks shall be coordinated to provide
 7 access to recreational amenities, open space, public facilities, vehicular
 8 access routes, and mass transportation facilities.
 9

10 - **Amend Part 2, Procedures for Review and Approval of a PRC District, Sect. 16-**
 11 **203, PRC Plan Approval, by revising Par. 13A(2) to read as follows:**
 12

13 13. Minor modifications to an approved rezoning and development plan may be
 14 permitted in a PRC plan when it is determined by the Zoning Administrator that
 15 such are in substantial conformance with the approved rezoning and
 16 development plan and that such: are in response to issues of topography,
 17 drainage, underground utilities, structural safety, layout, design, vehicular
 18 circulation, or requirements of the Virginia Department of Transportation or
 19 Fairfax County; or are accessory uses; or are accessory structures or minor
 20 building additions as permitted by Par. 13A(7) or 13B(7) below.
 21

22 A. For approved rezonings and development plans for all uses, other than
 23 churches, chapels, temples, synagogues and other such places of worship
 24 (hereinafter places of worship) and places of worship with a child care
 25 center, nursery school or private school of general or special education, the
 26 modifications shall, in no event:

27
 28 (2) Result in an increased parking requirement, except for any additional
 29 parking which may be required for any building additions or
 30 modifications permitted under Par. ~~13A(6)~~ 13A(7) below; or
 31

32 - **Amend Part 3, Submission Requirements for a PRC District, as follows:**
 33

34 - **Amend Sect. 16-302, Development Plan, by revising Par. 4L(2) to read as**
 35 **follows:**
 36

37 4. A plan at a scale of not less than one inch equals one hundred feet (1" =
 38 100'), showing:

39
 40 L. Approximate location, estimated size of footprint in acres and type
 41 of all proposed stormwater management facilities, including the full
 42 extent of side slopes, embankments, spillways, dams, and
 43 approximate water surface elevation for design storms, if applicable.
 44 In addition, a preliminary stormwater management plan that
 45 includes information about the adequacy of downstream drainage,
 46 including the sufficiency of capacity of any storm drainage pipes
 47 and other conveyances into which stormwater runoff will be

1 conveyed. When there is 2500 square feet or more of land
2 disturbing activity on the entire application property, in addition to
3 the above, the preliminary stormwater management plan shall
4 include:

5
6 (2) A preliminary stormwater management narrative setting forth
7 the following:

8
9 (a) Description of how the detention and best management
10 practice requirements will be met.

11
12 (b) The estimated area and volume of storage of the
13 stormwater management facility to meet stormwater
14 detention and best management practice requirements.

15
16 (c) For each watercourse into which drainage from the
17 property is discharged, a description of the existing
18 outfall conditions, including any existing ponds or
19 structures in the outfall area. The outfall area shall
20 include all land located between the point of discharge
21 from the property that is located farthest upstream,
22 down to the point where the drainage area of the
23 receiving watercourse exceeds 100 times the area of that
24 portion of the property that drains to it or to a floodplain
25 that drains an area of at least 1 square mile, whichever
26 comes first.

27
28 (d) Description of how the adequate outfall requirements of
29 the Public Facilities Manual will be satisfied.

30
31 (e) Statement indicating whether the existing drainage
32 divide requirements of the Public Facilities Manual will
33 be satisfied or whether it is anticipated that a
34 modification of these requirements will be sought.

35
36 **Amend Sect. 16-303, PRC Plan, by revising Par. 10(2) to read as follows:**

37
38 1. A plan at a scale of not less than one inch equals one hundred feet (1" =
39 100'), showing:

40
41 O. Approximate location, estimated size of footprint in acres and type
42 of all proposed stormwater management facilities, including the full
43 extent of side slopes, embankments, spillways, dams, and
44 approximate water surface elevation for design storms, if applicable.
45 In addition, a preliminary stormwater management plan that
46 includes information about the adequacy of downstream drainage,

1 including the sufficiency of capacity of any storm drainage pipes
 2 and other conveyances into which stormwater runoff will be
 3 conveyed. When there is 2500 square feet or more of land
 4 disturbing activity on the entire application property, in addition to
 5 the above, the preliminary stormwater management plan shall
 6 include:

7
 8 (2) A preliminary stormwater management narrative setting forth
 9 the following:

10
 11 (a) Description of how the detention and best management
 12 practice requirements will be met.

13
 14 (b) The estimated area and volume of storage of the
 15 stormwater management facility to meet stormwater
 16 detention and best management practice requirements.

17
 18 (c) For each watercourse into which drainage from the
 19 property is discharged, a description of the existing
 20 outfall conditions, including any existing ponds or
 21 structures in the outfall area. The outfall area shall
 22 include all land located between the point of discharge
 23 from the property that is located farthest upstream,
 24 down to the point where the drainage area of the
 25 receiving watercourse exceeds 100 times the area of that
 26 portion of the property that drains to it or to a floodplain
 27 that drains an area of at least 1 square mile, whichever
 28 comes first.

29
 30 (d) Description of how the adequate outfall requirements of
 31 the Public Facilities Manual will be satisfied.

32
 33 (e) Statement indicating whether the existing drainage
 34 divide requirements of the Public Facilities Manual will
 35 be satisfied or whether it is anticipated that a
 36 modification of these requirements will be sought.

37
 38 - **Amend Part 4, Procedures for Review and Approval of all P Districts Except the**
 39 **PRC District, to read as follows:**

40
 41 All proposed developments of a P district as permitted under Article 6, except for the
 42 PRC District, shall be subject to the ~~following~~ procedures for review and approval
 43 listed below. Submission of a planned district plan shall be required with any
 44 rezoning application submitted after [Effective Date of Amendment], pursuant to
 45 Sect. 401 below. The planned district plan is approved in conjunction with the
 46 approval of the rezoning application. All development shall be in substantial

1 conformance with the approved planned district plan, or an application for a planned
 2 district plan amendment shall be required.

3 A conceptual development plan approved in conjunction with a rezoning
 4 application prior to [Effective Date of Amendment], shall remain in effect provided
 5 that all development is depicted on a final development plan, pursuant to Sect. 402
 6 below, and is in substantial conformance with the approved conceptual development
 7 plan. Any development that is not in substantial conformance with such approved
 8 conceptual development plan shall require the submission and approval of a planned
 9 district plan pursuant to Sect. 401 below. In addition, any plan approved in
 10 conjunction with a PDH or PDC rezoning action prior to May 19, 1975 shall be
 11 deemed to be an approved planned district plan.

13 **16-401 ~~Conceptual Development~~ Planned District Plan Approval**

- 14
- 15 1. ~~An application for rezoning to a P district other than the PRC District shall~~
 16 ~~include: twenty three (23) copies of a conceptual development plan. A~~
 17 ~~conceptual development plan not filed with the initial submission of the~~
 18 ~~application shall be submitted within sixty (60) days of the acceptance date~~
 19 ~~of the application. Failure to meet this requirement shall change the~~
 20 ~~acceptance date of the application pursuant to Sect. 18-107, may be due~~
 21 ~~cause to delay the processing of the application in accordance with Sect.~~
 22 ~~18-107, and may be due cause to dismiss the application in accordance~~
 23 ~~with the provisions of Sect. 18-209.~~
- 24
- 25 A. Twenty-three (23) copies of a planned district plan,
 26
 27 B. The rezoning application requirements presented in Sect. 18-202,
 28
 29 C. The information required by Sect. 501 below, and
 30
 31 D. Such supplementary data for a particular development that may be
 32 deemed necessary by the Zoning Administrator.
- 33
- 34 2. ~~In addition to the rezoning application requirements presented in Sect. 18-~~
 35 ~~202, the conceptual development plan shall contain the information~~
 36 ~~required by Sect. 501 below, together with such supplementary data for a~~
 37 ~~particular development that may be deemed necessary by the Zoning~~
 38 ~~Administrator. A planned district plan not filed with the initial submission~~
 39 ~~of the application shall be submitted within sixty (60) days of the~~
 40 ~~acceptance date of the application. Failure to meet this requirement shall~~
 41 ~~change the acceptance date of the application pursuant to Sect. 18-107,~~
 42 ~~may be due cause to delay the processing of the application in accordance~~
 43 ~~with Sect. 18-107, and may be due cause to dismiss the application in~~
 44 ~~accordance with the provisions of Sect. 18-209.~~
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3. Upon determination by the Zoning Administrator that the content of the ~~conceptual development~~ planned district plan is complete in accordance with the requirements of Sect. 501 below, the plan and the application shall be submitted for comment and review to appropriate County departments and agencies. Upon completion of such administrative review, the plan and application shall be submitted to the Planning Commission.
 4. The Planning Commission shall promptly consider the ~~conceptual development~~ planned district plan and the rezoning application in accordance with the applicable zoning district regulations and shall hold a public hearing thereon.
 5. Subsequent to the public hearing, the Planning Commission shall transmit the ~~conceptual development~~ planned district plan and application to the Board, together with its recommendations as to approval or disapproval. The Planning Commission transmittal shall contain specific recommendations on the submission requirements set forth in ~~Par. 4 through 5~~ of Sect. 501 below.
 6. The Board shall consider the ~~conceptual development~~ planned district plan and application for rezoning in accordance with the applicable zoning district regulations and shall hold a public hearing thereon. The Board shall approve, approve with modifications or disapprove the ~~conceptual development~~ planned district plan.
 7. In approving a ~~conceptual development~~ planned district plan, the Board may establish such conditions and may require such modifications as shall assure compliance with the standards and regulations of ~~the subject district~~ this Ordinance; and further, the Board may waive or modify subdivision and/or site plan requirements otherwise applicable to the development when such waiver or modification would be in conformance with said standards and regulations.
 8. In approving a ~~conceptual development~~ planned district plan, the Board may authorize a variance in the strict application of specific zoning district regulations whenever:
 - A. Such strict application would inhibit or frustrate the purpose and intent for establishing such a zoning district; and
 - B. Such variance would promote and comply with the standards set forth in Part 1 above.

1 In no case, however, shall the maximum density provisions under the PDH
2 District ~~and~~ or the maximum floor area ratio provisions under the PDC and
3 PRM Districts be varied or modified.
4

5 9. In the event the Board shall disapprove the rezoning application, the
6 ~~conceptual development~~ planned district plan shall thereby be deemed to
7 be denied.
8

9 10. In ~~the event that the Board shall~~ conjunction with the approve approval of
10 the rezoning application, the Board shall also approve or approve with
11 modifications or conditions the ~~conceptual development~~ planned district
12 plan.
13

14 11. Once a ~~conceptual development~~ planned district plan has been approved,
15 all subsequent approvals, uses and structures shall be in substantial
16 conformance with the approved ~~conceptual development~~ planned district
17 plan and any development or proffered conditions associated with such
18 approval. Should there be cause for amendment of the ~~conceptual~~
19 ~~development~~ planned district plan or any portion thereof, such amendment
20 shall be processed as a new submission; provided, however, that the
21 Zoning Administrator may waive any submission requirement if such
22 requirement is not necessary for an adequate review of the ~~conceptual~~
23 ~~development~~ planned district plan amendment application. A ~~conceptual~~
24 ~~development~~ planned district plan amendment application may be filed on
25 a portion of the property subject to an approved ~~conceptual development~~
26 planned district plan, upon a determination by the Zoning Administrator
27 that the amendment:
28

29 (a)A. Would not adversely affect the use of the property subject to the
30 ~~conceptual development~~ planned district plan and conditions but
31 not incorporated into the amendment application,
32

33 (b)B. Would not inhibit, adversely affect, or preclude in any manner the
34 fulfillment of the ~~conceptual development~~ planned district plan and
35 conditions applicable to the area not incorporated into the
36 amendment application, and
37

38 (c)C. Would not increase the overall approved density/intensity for the
39 development.
40

41 The portion of the ~~conceptual development~~ planned district plan and
42 previously approved conditions which are not subject to the amendment
43 request shall remain in full force and effect.
44

- 1 12. ~~Any development plan approved in conjunction with a PDH or PDC~~
2 ~~rezoning action prior to May 19, 1975 shall be deemed to be both an~~
3 ~~approved conceptual and final development plan.~~
4

5 **16-402 Final Development Plan Approval**

- 6
- 7 1. ~~The granting of a rezoning application to a P district, and the approval of~~
8 ~~its accompanying conceptual development plan by the Board, shall~~
9 ~~constitute authority for the applicant to prepare a final development plan;~~
10 ~~however, a final development plan may be filed with and included in the~~
11 ~~processing of the rezoning application and conceptual development plan.~~
12 A final development plan shall be prepared and submitted for
13 development of a P district in which the rezoning application and its
14 accompanying conceptual development plan were approved by the
15 Board of Supervisors prior to [Effective Date of Amendment]. All final
16 development plans shall be prepared in accordance with the approved
17 conceptual development plan, any conditions as may have been adopted
18 by the Board, and the provisions of Sect. 502 below. When it is
19 determined by the Zoning Administrator that the final development plan
20 is not in substantial conformance with the approved conceptual
21 development plan, then a planned district plan shall be submitted and
22 reviewed pursuant to the provisions of Sect. 401 above.
23
- 24 2. A final development plan may be prepared and submitted for the entire
25 planned development at one time or for sections of the planned
26 development, and each such plan shall be submitted to the Zoning
27 Administrator in twenty-three (23) copies.
28
- 29 3. Upon determination by the Zoning Administrator that the content of the
30 final development plan is complete in accordance with the requirements
31 of Sect. 502 below, the plan shall be submitted for comment and review
32 to appropriate County departments and agencies. Upon completion of
33 such administrative review, the plan shall be submitted to the Planning
34 Commission.
35
- 36 4. The Planning Commission shall hold a public hearing on the final
37 development plan no later than six (6) months from the date the Zoning
38 Administrator determined that such plan was complete in accordance
39 with the requirements of Sect. 502 below. The Commission shall
40 consider the final development plan in accordance with the approved
41 conceptual development plan, and shall determine if said plan does
42 comply with the all applicable zoning district regulations provisions of
43 this Ordinance including the general and design standards of Sections
44 101 and 102 above. Upon the determination that the final development
45 plan is in accordance and does comply, the Planning Commission shall
46 approve, or approve with modifications, the final development plan.

1 ~~Such approval shall be deemed to be the final approval, subject only to~~
2 ~~appeal to the Board as provided for in Par. 9 below.~~

3
4 5. Upon the Planning Commission's determination that the final
5 development plan is in accordance with the approved conceptual
6 development plan and complies with all applicable zoning regulations,
7 the Commission shall approve, or approve with modifications, the final
8 development plan. Such approval shall be deemed to be the final
9 approval, subject only to appeal to the Board as provided for in Par. 9
10 below. In approving a final development plan, the Planning
11 Commission may establish such conditions and may require such
12 modifications as will assure compliance with the standards and
13 regulations of the subject district, and with the approved conceptual
14 development plan. ~~Further, the Planning Commission may recommend~~
15 ~~to the Board the waiver of any zoning and subdivision requirements~~
16 ~~otherwise applicable to the development where it is found that such~~
17 ~~waiver would be in conformance with said standards and regulations.~~

18
19 6. The Planning Commission may also recommend to the Board the waiver
20 of any zoning or subdivision requirements otherwise applicable to the
21 development where it is found that such waiver would be in
22 conformance with said standards and regulations. In the event that the
23 Planning Commission finds that the final development plan is not in
24 accordance with the approved conceptual development plan, or does not
25 comply with the applicable zoning district regulations, it shall
26 recommend the disapproval of the final development plan and forward
27 such recommendation to the Board.

28
29 7. If the Planning Commission recommends denial of the final
30 development or waiver of any zoning and subdivision requirement
31 otherwise applicable to the development, then the Board shall hold a
32 public hearing on the final development plan and shall approve, approve
33 with modifications, or disapprove the final development plan. In
34 approving the final development plan, the Board may establish such
35 conditions and may require such modifications as will assure compliance
36 with the all applicable standards and zoning regulations of the subject
37 district, and with the approved conceptual development plan. Zoning
38 and subdivision requirements otherwise applicable to the development
39 may be waived by the Board where it finds that such waiver would be in
40 conformance with said standards and regulations.

41
42 8. In the event that the Board shall uphold a recommendation of the
43 Planning Commission to disapprove the final development plan, such
44 action shall be cause for the applicant to prepare a revised final
45 development plan unless the provisions of Par. 9 below are applied.
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9. In the event that an aggrieved party wishes to appeal a Planning Commission decision for approval or approval with modifications of a final development plan, such appeal shall be filed with the Board within ten (10) days after the decision of the Commission. The appeal shall be by written petition to the Board setting forth the reasons for the appeal. The basis for an appeal shall be that the final development plan is or is not in substantial conformity with the approved conceptual development plan.
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10. Once a final development plan has been approved, all subsequent approvals, uses and structures shall be in substantial conformance with the approved final development plan and any development conditions associated with such approval. Should there be cause for amendment of the final development plan, such amendment shall be processed as follows:
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23
- A. Upon a determination by the Zoning Administrator that the amendment will result in a final development plan which is still in accordance with the approved conceptual development plan, then such amendment shall be processed in accordance with the provisions of this Section and shall be subject to the general and design standards of Sections 101 and 102 above.
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- B. Upon a determination by the Zoning Administrator that the amendment will cause the final development plan to be not in accordance with the approved conceptual development plan, then ~~an amendment to the conceptual development~~ a planned district plan shall be required in accordance with the provisions of Par. 11 of Sect. 401 above. The amendment to the final development plan shall also be the subject of review by the Planning Commission in accordance with the provisions of this Section.
- 33
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- C. The Zoning Administrator may waive any submission requirement if such requirement is not necessary for an adequate review of the final development plan amendment application.
- 37
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- D. A final development plan amendment application may be filed on a portion of the property subject to an approved final development plan, upon a determination by the Zoning Administrator that the amendment:
- 42
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44
45
- (a1) Would not adversely affect the use of the property subject to the final development plan and conditions but not incorporated into the amendment application,

(b2) Would not inhibit, adversely affect, or preclude in any manner the fulfillment of the final development plan and conditions applicable to the area not incorporated into the amendment application, and

(e3) Would not increase the overall approved density/intensity for the development.

The portion of the final development plan and previously approved conditions which are not subject to the amendment request shall remain in full force and effect.

~~11. Any development plan approved in conjunction with a PDH or PDC rezoning action prior to May 19, 1975 shall be deemed to be both an approved conceptual and final development plan.~~

16-403 Site Plan/Subdivision Plat Preparation, Building Permit, Residential Use Permit and Non-Residential Use Permit

Approval of a final development or planned district plan shall be a prerequisite and shall constitute authority for the applicant to prepare a site plan or a subdivision plat. Approval of site plans or subdivision plats and the issuance of Building Permits, Residential and/or Non-Residential Use Permits shall be in substantial conformance with the final development or planned district plan, and in accordance with the provisions of this Ordinance and Chapter 101 of The Code, The Subdivision Ordinance, and the following:

1. Separate site plans or subdivision plats shall be submitted for each section of the planned development in accordance with the approved final development or planned district plan.
2. When a planned development is to be constructed in sections, the total area of open space provided at any stage of development shall bear substantially the same relationship to the total open space to be provided in the entire planned development as the sections completed or under development bear to the entire planned development.
3. Minor deviations from the provisions of this Ordinance and Chapter 101 of The Code, The Subdivision Ordinance, may be permitted, but only where such deviations are indicated on the approved final development or planned district plan.
4. Minor modifications to an approved final development or planned district plan may be permitted when it is determined by the Zoning Administrator that such are in substantial conformance with the approved final development or planned district plan and that such: are in

1 response to issues of topography, drainage, underground utilities,
2 structural safety, layout, design, vehicular circulation, or requirements of
3 the Virginia Department of Transportation or Fairfax County; or are
4 accessory uses; or are accessory structures or minor building additions as
5 permitted by Par. 4A(7) 4A(9) or 4B(7) below.
6

7 A. For approved final development or planned district plans for all
8 uses, other than churches, chapels, temples, synagogues and other
9 such places of worship (hereinafter places of worship) and places
10 of worship with a child care center, nursery school or private
11 school of general or special education, the modifications shall, in
12 no event:

- 13
- 14 (1) Permit a more intensive use than that approved pursuant to
15 the approved conceptual development plan, final
16 development plan, planned district plan or any applicable
17 proffers or development conditions; or
18
- 19 (2) Result in an increased parking requirement, except for any
20 additional parking which may be required for any building
21 additions or modifications permitted under Par. 4A(6) 4A(9)
22 below; or
23
- 24 (3) Permit additional uses other than those approved pursuant to
25 the approved conceptual development plan, final
26 development plan, planned district plan, or any applicable
27 proffers or development conditions, except that accessory
28 uses in accordance with this paragraph may be permitted; or
29
- 30 (4) Reduce the effectiveness of approved transitional screening,
31 buffering, landscaping or open space; or
32
- 33 (5) Permit changes to bulk, mass, orientation or location of of
34 buildings or vehicular access points which adversely impact
35 the relationship of the development or part thereof to
36 adjacent property; or
37
- 38 (6) Permit changes to the building footprint and the location of
39 driveways or front doors of single family dwellings that
40 adversely impact the relationship of the development or part
41 thereof to adjacent property.
42
- 43 (7) Permit a modification to any minimum required yards; or
44
- 45 (68) Result in an increase in the amount of clearing and/or
46 grading for a stormwater management facility, including any

1 clearing and/or grading associated with spillways, inlets,
 2 outfall pipes or maintenance roads, that reduces non-
 3 stormwater management open space, tree save and/or
 4 landscaping area on the lot; or

5
 6 (79) Include the addition of any building or additions to buildings
 7 except that accessory structures clearly subordinate to the
 8 use and minor additions to buildings may be permitted,
 9 provided that the sum total of all such structures or additions
 10 shall not exceed the following:

11
 12 (a) five (5) percent of the approved gross floor area or 500
 13 square feet of gross floor area, whichever is less, when
 14 the total gross floor area shown on the approved final
 15 development or planned district plan is less than
 16 50,000 square feet; or

17
 18 (b) one (1) percent of the approved gross floor area when
 19 the total gross floor area shown on the approved final
 20 development or planned district plan is 50,000 square
 21 feet or more; or

22
 23 (c) 250 square feet of gross floor area of accessory storage
 24 structure uses when the total gross floor area shown on
 25 the approved final development or planned district plan
 26 is 10,000 square feet or less; and

27
 28 (d) the land area designated for commercial uses in the
 29 PDH District or the maximum FAR provisions in the
 30 PDC and PRM Districts; or

31
 32 (e) the maximum permitted density.

33
 34 B. For approved final development or planned district plans for
 35 places of worship and places of worship with a child care center,
 36 nursery school or private school of general or special education,
 37 the modifications shall, in no event:

38
 39 (1) Permit an expansion of the hours of operation from that
 40 approved pursuant to the approved conceptual development
 41 plan, final development plan, planned district plan or any
 42 applicable proffers or development conditions; or

43
 44 (2) Permit an increase in the number of seats, parking spaces or
 45 students, if applicable, which exceeds more than ten (10)
 46 percent of the amount approved pursuant to the conceptual

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development plan, final development plan, planned district plan or any applicable proffers or development conditions; or

(3) Permit uses other than those approved pursuant to the conceptual development plan, final development plan, planned district plan or any applicable proffers or development conditions, except that accessory uses in accordance with this paragraph may be permitted; or

(4) Reduce the effectiveness of approved transitional screening, buffering, and landscaping or open space; or

(5) Permit changes to bulk, mass, orientation or location which adversely impact the relationship of the development or part thereof to adjacent property; or

(6) Result in an increase in the amount of clearing and/or grading for a stormwater management facility, including any clearing and/or grading associated with spillways, inlets, outfall pipes or maintenance roads, that reduces non-stormwater management open space, tree save and/or landscaping area on the lot; or

(7) Include the addition of any building or additions to buildings except that accessory structures clearly subordinate to the use, and minor additions to buildings may be permitted, provided that:

(a) the sum total of all such structures or additions shall not exceed the greater of 500 square feet of gross floor area, or five (5) percent of the approved gross floor area up to a maximum of 2500 square feet of gross floor area; and

(b) the maximum permitted FAR for the zoning district shall not be exceeded.

C. For all approved final development or planned district plans, any request for an addition shall require the provision of written notice by the requester in accordance with the following:

(1) the notice shall include the letter of request with all attachments as submitted to the Zoning Administrator, a statement that the request has been submitted, and where to call for additional information; and

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- (2) the notice shall be sent to the last known address of the owners, as shown in the real estate assessment files of the Department of Tax Administration, of all property abutting and across the street from the site, or portion thereof, which is the subject of the request, and shall be delivered by hand or sent by certified mail, return receipt requested.

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The request for an addition submitted to the Zoning Administrator shall include: an affidavit from the requester affirming that the required notice has been provided in accordance with the above; the date that the notice was delivered or sent; the names and addresses of all persons notified; and the Tax Map references for all parcels notified. No request for an addition shall be considered by the Zoning Administrator unless the affidavit has been provided in accordance with this paragraph.

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When it is determined by the Zoning Administrator that a modification is not in substantial conformance with the approved final development or planned district plan, such modification shall require the resubmission and amendment of the final development or planned district plan in accordance with ~~Seet~~ Sections 401 or 402 above.

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5. Notwithstanding the above, any modification to an approved final development or planned district plan to provide an accessibility improvement shall be permitted and shall not require approval of an amendment to the final development or planned district plan.

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6. Any alteration to a single family dwelling that has a minimum required yard specified on an approved final development or planned district plan or in any imposed development conditions or proffered conditions, shall be in substantial conformance with the approved final development or planned district plan or with any imposed development conditions or proffered conditions. ~~Notwithstanding the above,~~ Any alteration to a single family dwelling unit that is not subject to any minimum required yards specified on an approved final development or planned district plan or in any imposed development conditions or proffered conditions and is not subject to the provisions of Sect. 2-412, shall be governed by the regulations of that R zoning district which most closely characterizes the given development as determined by the Zoning Administrator. For the purpose of determining the most comparable conventional zoning district, the Zoning Administrator shall consider the density, intensity, dwelling unit type, use, lot area and lot width. If, however, the desired alteration is not in substantial conformance with the approved final development or planned district plan, such alteration shall be allowed only after amendment of the final development or planned district plan in

1 accordance with the provisions set forth in ~~Seet.~~ Sections 401 or 402
2 above.

3
4 **16-404 Required Recreational Facilities in PDH, Planned Development Housing,**
5 **PDC, Planned Development Commercial and PRM, Planned Residential**
6 **Mixed Use Districts**
7

8 Required recreational facilities shall include either active recreation facilities
9 such as tennis courts, swimming pools, children playgrounds, tot lots or
10 ballfields, or passive recreation and site amenities such as gazebos, picnic
11 areas, trails and nature walks, but not including landscape plantings, trails
12 identified on the adopted comprehensive plan or sidewalks required by the
13 Public Facilities Manual.
14

15 1. For recreational facilities to be constructed on-site by the developer, the
16 facilities shall be shown on the site plan or subdivision/construction
17 plan, as applicable, in substantial conformance with the approved final
18 development or planned district plan and the following shall apply,
19 unless otherwise modified by the Board at the time of zoning approval:
20

21 A. For single section developments, or multiple section developments
22 where required recreational facilities are to be provided in the first
23 section of the development, such facilities shall have an executed
24 security package prior to:
25

26 (1) final subdivision plat approval for single family dwelling
27 developments; or
28

29 (2) issuance of construction permits for multiple family dwelling
30 developments; single family attached dwelling developments
31 not subject to subdivision approval; or combination single
32 family attached dwellings subject to subdivision approval
33 and multiple family dwelling developments.
34

35 B. For multiple section developments where the required recreational
36 facilities are not to be constructed in the first section of the
37 development and the estimated cost of the approved recreational
38 facilities exceeds \$50,000, prior to issuance of Building Permits
39 for more than fifty (50) percent of the total number of dwelling
40 units, there shall either be:
41

42 (1) an executed security package for the recreational facilities, or
43

44 (2) a future construction escrow posted in the amount equivalent
45 to the pro rata share (of the facilities shown on the approved
46 final development or planned district plan) for the total

number of units for which Building Permits have been issued and are being sought. Upon execution of the security package for the recreational facilities, the construction escrow with interest shall be paid to the developer.

Approved recreational facilities of \$50,000 or less shall be constructed or have an executed security package prior to site plan or final subdivision plat approval of the final section.

2. At the time of zoning, the Board may approve the provision of recreational facilities off-site on land in proximity to the proposed development, which land is titled to or is to be dedicated to the County, the Fairfax County Park Authority or on land under the control of an adjacent homeowners' association. The applicant shall submit a written justification for such off-site location and evidence that the future residents of the development shall have the right to use the recreational facilities at such off-site location. The Board may approve such a request upon a determination that it would be infeasible or impractical to provide the required recreational facilities on-site or that the off-site location would better serve the residents of the development.

At the designated off-site location, the applicant, upon Board approval, may either design and construct the recreational facilities or make a cash contribution to the County, the Fairfax County Park Authority or the homeowners' association, which shall be in accordance with the approved per dwelling unit expenditure. Additionally, the following shall apply:

A. If the requirement for the proposed development is to be satisfied off-site on land owned by an adjacent homeowners' association, then a document, subject to County Attorney review and approval, which grants the right of future residents of the proposed development to use such off-site facilities shall be recorded among the Fairfax County land records prior to final subdivision plat approval or site plan approval, as applicable.

B. If the recreational facilities are to be constructed off-site, the applicant shall submit documentation, which shall be subject to County Attorney review and approval, that there will be the right to construct the facilities at the selected off-site location and that the future residents of the proposed development shall have the right to use such facilities. The timing of such off-site construction shall be proposed by the applicant and approved by the Board at the time of zoning approval.

C. If a cash contribution is to be made, it shall be in accordance with the following:

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- (1) The cash contribution equivalent to the approved per dwelling unit expenditure shall be made to either the County, the Fairfax County Park Authority or to an adjacent homeowners' association, as applicable, for the expressed purpose of providing additional recreational facilities, and/or renovating or increasing the user capacity of existing facilities. At the time of zoning, the applicant shall have established that the County, the Fairfax County Park Authority or homeowners' association, as applicable, has agreed to and has the right to receive such a cash contribution and, if the cash contribution is to be made to an adjacent homeowners' association, the proposed use of the cash contribution shall be specified.
- (2) The cash contribution equivalent to the approved per dwelling unit expenditure shall be made prior to the issuance of a Building Permit for each dwelling unit in the proposed development.

- **Amend Part 5, Submission Requirements for all P Districts Except the PRC District, as follows:**

16-501 Conceptual Development Planned District Plan

In addition to those requirements set forth in Sect. 18-202 that shall accompany an application for a rezoning, a ~~conceptual development~~ conceptual planned district development plan, certified by a professional engineer, architect, landscape architect or land surveyor authorized to practice as such by the State, including any resubmissions and supporting graphics, shall be filed with the Zoning Administrator in twenty-three (23) copies and shall include the ~~following~~ information set forth below.

All maps, ~~or~~ plans, sketches or illustrations submitted as part of a ~~conceptual development~~ conceptual development planned district plan shall be presented on a sheet having a maximum size of 24" x 36". If presented on more than one (1) sheet, match lines shall clearly indicate where the several sheets join. The sheet size and scale of a planned district plan may be modified by the Zoning Administrator, based on the nature and/or size of the application. One 8 1/2" x 11" reduction of the ~~conceptual development~~ conceptual development planned district plan and supporting graphics shall also be submitted. All submission requirements shall become the property of the County.

- 1. A plan, at a scale of not less than one inch equals one hundred feet (1" = 100'), showing:
 - A. A vicinity map at a scale of not less than one inch equals two

1 thousand feet (1" = 2000').

- 2
- 3 B. A statement which confirms the ownership of the subject property,
4 and the nature of the applicant's interest in same.
- 5
- 6 C. Existing topography with a maximum contour interval of five (5)
7 feet and a statement indicating whether it is air survey or field run.
8
- 9 D. Scale and north arrow, with north, to the extent feasible, oriented
10 to the top of all drawings.
- 11
- 12 E. Except for single family detached dwellings, the approximate
13 location and arrangement of all proposed structures and uses to
14 include the maximum height in feet of all structures and
15 penthouses, and a graphic depiction of the angle of bulk plane, if
16 applicable.
17
- 18 F. The proposed traffic circulation plan including major streets and
19 major pedestrian, bike and/or bridle paths, and the location of all
20 trails required by the adopted comprehensive plan.
21
- 22 G. All proposed major open space areas and the approximate location
23 of all proposed community and public facilities.
24
- 25 H. A schedule showing the number of parking spaces provided and
26 the number required by the provisions of Article 11.
27
- 28 I. Any proposed improvements to the public right(s) of way and
29 delineation of the existing centerline of all streets abutting the
30 property, including dimensions from the existing centerline to the
31 edge of the pavement and to the edge of the right of way.
32
- 33 J. Approximate delineation of any floodplain designated by the
34 Federal Insurance Administration, United States Geological
35 Survey, or Fairfax County, the delineation of any Resource
36 Protection Area and Resource Management Area, and the
37 approximate delineation of any environmental quality corridor as
38 defined in the adopted comprehensive plan.
39
- 40 K. A delineation of existing vegetation, to include existing vegetation
41 to be preserved, and when there is 2500 square feet or more of land
42 disturbing activity, an existing vegetation map.
43
- 44 L. Size of all proposed stormwater management facilities and a
45 statement as to the type of proposed facility.
46

- 1 M. ~~The location of all existing utility easements having a width of~~
2 ~~twenty five (25) feet or more, and all major underground utility~~
3 ~~easements regardless of width.~~
4
- 5 N. ~~A delineation of those general areas that have scenic assets or~~
6 ~~natural features deserving of protection and preservation, and a~~
7 ~~statement of how such will be accomplished.~~
8
- 9 O. ~~Approximate delineation of any grave, object or structure marking~~
10 ~~a place of burial if known, and a statement indicating how the~~
11 ~~proposed development will impact the burial site.~~
12
- 13 P. ~~A statement explaining the relationship of the planned~~
14 ~~development to the adopted comprehensive plan of the County.~~
15
- 16 Q. ~~A statement or visual presentation of how adjacent and~~
17 ~~neighboring properties shall be protected from any adverse effects~~
18 ~~prompted by the proposed development, to include vehicular~~
19 ~~access plans, proposed measures of screening, and dimensions of~~
20 ~~all peripheral yards that will be provided.~~
21
- 22 R. ~~A delineation of all existing structures, and an indication of their~~
23 ~~date of construction if known, and whether they will be retained or~~
24 ~~demolished.~~
25
- 26 S. ~~A statement setting forth the maximum gross floor area and FAR~~
27 ~~proposed for all uses other than residential.~~
28
- 29 T. ~~A statement or presentation setting forth the maximum number of~~
30 ~~dwelling units proposed, to include the density calculations based~~
31 ~~on the provisions of Sect. 2 308, those units obtained by the use of~~
32 ~~bonus provisions, and a breakdown of the approximate number of~~
33 ~~units by type and the range of approximate lot sizes for single~~
34 ~~family detached dwellings.~~
35
- 36 U. ~~A statement or presentation of the open space calculations based~~
37 ~~on the provisions of Sect. 2 309.~~
38
- 39 V. ~~A statement that the proposed development conforms to the~~
40 ~~provisions of all applicable ordinances, regulations and adopted~~
41 ~~standards, or, if any waiver, exception or variance is sought by the~~
42 ~~applicant, such shall be specifically noted with the justification for~~
43 ~~such modification.~~

44 ~~If the proposal includes the request for a waiver of the yard~~
45 ~~regulations for yards abutting certain principal arterial highways~~
46 ~~and railroad tracks pursuant to Sect. 2 414, a study showing~~

1 ~~projected noise impacts, proposed mitigation measures and~~
2 ~~effectiveness of such measures shall be submitted.~~

3
4 ~~W. A statement of those special amenities that shall be provided~~
5 ~~within the planned development.~~

6
7 ~~X. A statement setting forth the proposed approximate development~~
8 ~~schedule.~~

9
10 B. Bearings and distances of the perimeter property lines.

11
12 C. Total area of property presented in square feet and acres.

13
14 D. Existing topography and a statement indicating whether it is air
15 survey or field run, with a maximum contour interval of two (2)
16 feet; except where existing ground is on a slope of less than two
17 (2) percent, then either one (1) foot contours or spot elevations
18 shall be provided where necessary, but not more than fifty (50) feet
19 apart in both directions.

20
21 E. Scale and north arrow, with north, to the extent feasible, oriented
22 to the top of all drawings.

23
24 F. The zoning, use, lot area and lot width of all lots that are abutting
25 or immediately across the street from the application property.

26
27 G. The location of all existing structures located outside of the
28 application property and fully or partially within fifty (50) feet of
29 the application boundaries.

30
31 H. A delineation of the location and height of all existing structures
32 that are located within the application boundaries, and an indication
33 of their date of construction, if known, and whether they will be
34 retained or demolished.

35
36 I. The location and arrangement of all proposed uses and structures,
37 including a preliminary subdivision layout, if subdivision is
38 proposed. For uses other than single family dwellings, the building
39 footprint and the distance of all structures from the application
40 boundaries and streets. For single family dwellings, the minimum
41 distances between the yards and all lot lines of each single family
42 lot, the approximate building footprint and the location of the front
43 door and any driveway. In addition, the location of privacy yards
44 for single family attached dwellings.

45
46 J. For single family dwellings, the maximum building height in feet.

1 For uses other than single family dwellings, the maximum height in
2 feet, to include penthouses, of all buildings; the number of floors
3 above, below or partially below finished grade; and a graphic
4 depiction of the angle of bulk plane, if applicable.

5
6 K. The on-site vehicular and pedestrian circulation system, including
7 the location and width of all streets, driveways, entrances to
8 parking areas and parking structures, walkways, bicycle paths,
9 bridle paths, and all trails required by the adopted comprehensive
10 plan. Connections with off-site streets and trails that are existing
11 or are required by the adopted comprehensive plan.

12
13 L. Location of all parking spaces, parking structures and loading
14 areas.

15
16 M. Names and route numbers of boundary streets and the widths of
17 existing right(s)-of-way. Any proposed improvements to the
18 public right(s)-of-way and delineation of the existing centerline of
19 all streets abutting the property, including dimensions from the
20 existing centerline to the edge of the pavement and to the edge of
21 the right-of-way.

22
23 N. All open space areas, specifying the location, dimensions and
24 proposed treatment or improvement of all such areas and
25 delineating those areas proposed for specific types of developed
26 recreational facilities.

27
28 O. Delineation of any floodplain designated by the Federal Insurance
29 Administration, United States Geological Survey, or Fairfax
30 County; the delineation of any Resource Protection Area; the
31 delineation of any environmental quality corridor as defined in the
32 adopted comprehensive plan; and the minimum distance of any
33 existing and proposed structures from the floodplain, Resource
34 Protection Area and/or environmental quality corridor.

35
36 P. A landscape plan showing the limits of clearing, the location and
37 design of all landscaping and screening measures, the type and
38 height of all proposed plant materials, a delineation of existing
39 vegetation and scenic assets or natural features, to include such
40 existing vegetation, scenic assets and natural features to be
41 preserved, and when there is 2500 square feet or more of land
42 disturbing activity, an existing vegetation map.

43
44 Q. Approximate location, estimated size of footprint in acres and type
45 of all proposed stormwater management facilities, including the
46 full extent of side slopes, embankments, spillways, dams, and

1 approximate water surface elevation for design storms, if
2 applicable. In addition a preliminary stormwater management plan
3 that includes information about the adequacy of downstream
4 drainage, including the sufficiency of capacity of any storm
5 drainage pipes and other conveyances into which stormwater
6 runoff from the site will be conveyed. When there is 2500 square
7 feet or more of land disturbing activity on the entire application
8 property, in addition to the above, the preliminary stormwater
9 management plan shall include:

10
11 (1) A graphic depicting:

12
13 (a) The approximate footprint of the stormwater
14 management facility and, where applicable, the height
15 of the dam embankment and the location of the
16 emergency spillway outlet for each stormwater
17 management facility.

18
19 (b) The approximate on-site and off-site areas to be served
20 by each stormwater management facility, along with the
21 acreage draining to each facility.

22
23 (c) A preliminary layout of all on-site drainage channels,
24 outfalls and pipes, including inlet and outlet pipes
25 within the stormwater management facility.

26
27 (d) The approximate location or locations, if any, of any
28 maintenance access road or other means of access to the
29 stormwater management facility, and the identification
30 of the types of surfaces to be used for any such road.

31
32 (e) Proposed landscaping and tree preservation areas in and
33 near the stormwater management facility.

34
35 (f) The approximate limits of clearing and grading on-site
36 and off-site for the stormwater management facility,
37 storm drainage pipes, spillways, access roads and
38 outfalls, including energy dissipation, storm drain outlet
39 protection and/or stream bank stabilization measures.

40
41 (2) A preliminary stormwater management narrative setting
42 forth the following:

43
44 (a) Description of how the detention and best management
45 practice requirements will be met.
46

1 (b) The estimated area and volume of storage of the
2 stormwater facility to meet stormwater detention and
3 best management practice requirements.

4
5 (c) For each watercourse into which drainage from the
6 property is discharged, a description of the existing
7 outfall conditions, including any existing ponds or
8 structures in the outfall area. The outfall area shall
9 include all land located between the point of discharge
10 from the property that is located farthest upstream,
11 down to the point where the drainage area of the
12 receiving watercourse exceeds 100 times the area of that
13 portion of the property that drains to it or to a floodplain
14 that drains an area of at least (1) square mile, whichever
15 comes first.

16
17 (d) Description of how the adequate outfall requirements of
18 the Public Facilities Manual will be satisfied.

19
20 (e) Statement indicating whether the existing drainage
21 divide requirements of the Public Facilities Manual will
22 be satisfied or whether it is anticipated that a
23 modification of these requirements will be sought.

24
25 R. The location and width of all existing utility easements regardless
26 of width.

27
28 S. A plan or statement showing how public utilities are, or will be,
29 provided.

30
31 T. Delineation of any grave, object or structure marking a place of
32 burial if known, and a statement indicating how the proposed
33 development will impact the burial site.

34
35 U. Location and height of all existing and proposed light poles,
36 including parking lot and walkway light poles, illustrations of each
37 style of freestanding lighting fixture that demonstrate that such
38 fixture is either a full cut-off or directionally shielded lighting
39 fixture, as required by Part 9 of Article 14 and a statement by the
40 applicant/owner certifying that all outdoor lighting provisions of
41 Part 9 of Article 14 shall be met.

42 For outdoor recreation/sports facility playing fields/courts, a
43 sports illumination plan shall be submitted as required by Part 9 of
44 Article 14, and for service stations, service station/mini-marts and
45 vehicle sale, rental and ancillary service establishments, a

1 photometric plan shall be submitted as required by Part 9 of Article
2 14.

3
4 V. A statement and graphic depiction of the types, sizes and locations
5 of those special amenities that will be provided within the planned
6 development district.

7
8 W. When the development is to be constructed in phases or sections, a
9 development schedule showing the order of construction of such
10 phases or sections.

11
12 2. A final statement in tabular form which sets forth the following data,
13 when such data is applicable to a given planned district plan:

14
15 A. Maximum allowable residential density in units per acre, including
16 density calculations based on the provisions of Sect. 2-308.

17
18 B. Required number of affordable dwelling units, including
19 calculations based on the provisions of Sect. 2-804.

20
21 C. Total number of dwelling units, total number of each type of
22 dwelling unit, including affordable dwelling units, and the
23 residential density in dwelling units per acre.

24
25 D. Maximum allowable floor area in square feet and maximum
26 allowable floor area ratio.

27
28 E. Except for dwelling units in the PDH District, the overall floor
29 area in square feet and floor area ratio for the development and the
30 total floor area in square feet and floor area ratio provided for each
31 type of use.

32
33 F. Amount of density or floor area applied for under the bonus
34 provisions of Par. 2 of Sect. 6-109 or Par. 3 of Sect. 6-208, and the
35 calculations supporting the specific development provisions giving
36 rise to such bonus application.

37
38 G. Percentage and total amount of open space required in acres or
39 square feet, including calculations based on Sect. 2-309.

40
41 H. Total amount of open space provided in acres or square feet and as
42 a percentage.

43
44 I. Total area, in acres or square feet, of usable open space, as defined
45 by this Ordinance.

46

1 J. Total number of all parking and loading spaces provided, total
2 number of visitor parking spaces provided in residentially
3 developed areas and the number of parking and loading spaces
4 required by the provisions of Article 11.

5
6 23. For the residential component of an application, five (5) copies of a map
7 identifying classification of soil types at a scale of not less than one inch
8 equals five hundred feet (1" = 500'), based upon information available
9 on the County of Fairfax Soils Identification Maps.

10
11 4. Architectural sketches and/or elevations of structures; information on
12 building materials, building-mounted lighting fixtures and signs; and
13 graphics and/or photo simulations that depict the proposed structures as
14 viewed from adjacent properties.

15
16 35. A statement of the public improvements, both on and off-site, that are
17 proposed for dedication and/or construction, and an estimate of the
18 timing of providing such improvements.

19
20 46. A listing, if known, of all hazardous or toxic substances as set forth in
21 Title 40, Code of Federal Regulations Parts 116.4, 302.4, and 355; all
22 hazardous waste as set forth in Virginia Department of Environmental
23 Quality Hazardous Waste Management Regulations; and/or petroleum
24 products as defined in Title 40, Code of Federal Regulations Part 280; to
25 be generated, utilized, stored, treated, and/or disposed of on site and the
26 size and contents of any existing or proposed storage tanks or containers.

27
28 57. Where applicable, any other information as may be required by the
29 provisions of Article 7.

30
31 8. A statement as to whether the proposed development conforms to the
32 provisions of all applicable ordinances, regulations and adopted
33 standards, or, if any waiver, exception or variance is sought by the
34 applicant, such shall be specifically noted with the justification for such
35 modification.

36 If the proposal includes the request for a waiver of the yard
37 regulations for yards abutting certain principal arterial highways and
38 railroad tracks pursuant to Sect. 2-414, a study showing projected noise
39 impacts, proposed mitigation measures and effectiveness of such
40 measures shall be submitted.

41
42 9. A statement explaining the relationship of the development to and
43 compliance with the adopted comprehensive plan, including the
44 Residential Development Criteria, if applicable.

45
46 ~~The sheet size and scale of a conceptual development plan may be~~

1 ~~modified by the Zoning Administrator, based on the nature and/or size of the~~
 2 ~~application.~~

3
 4 **16-502 Final Development Plan**

5
 6 Approval of a final development plan shall be required for the development of
 7 a PDH, PDC or PRM District that was rezoned prior to [Effective Date of
 8 Amendment], provided that the development is in substantial conformance
 9 with the approved conceptual development plan, and the final development
 10 plan is approved in accordance with the provisions of Sect. 402 above.
 11 Submission of a final development plan shall include the information set forth
 12 below.

13 A final development plan prepared in accordance with the approved
 14 conceptual development plan and certified by a professional engineer,
 15 architect, landscape architect or land surveyor authorized to practice as such
 16 by the State shall be filed with the Zoning Administrator in twenty-three (23)
 17 copies, including any resubmissions of the plan and supporting graphics. Such
 18 final development plan submission shall include the requirements for a
 19 planned district plan set forth in Paragraphs 1 through 9 of Sect. 501 above.

20 All maps, plans, sketches and illustrations submitted as part of a final
 21 development plan shall be presented on a sheet having a maximum size of 24"
 22 x 36". If presented on more than one (1) sheet, match lines shall clearly
 23 indicate where the several sheets join. The sheet size and scale of a final
 24 development plan may be modified by the Zoning Administrator, based on the
 25 nature and/or size of the application. One 8 1/2" x 11" reduction of the final
 26 development plan and supporting graphics shall also be submitted. All
 27 submission requirements shall become the property of the County. ~~Such plan~~
 28 ~~shall contain the following information:~~

- 29
 30 1. ~~A final plan, at a scale of not less than one inch equals one hundred feet~~
 31 ~~(1" = 100'), showing:~~
 32
 33 A. ~~A vicinity map at a scale of not less than one inch equals two~~
 34 ~~thousand feet (1" = 2000').~~
 35
 36 B. ~~Bearings and distances of the perimeter property lines.~~
 37
 38 C. ~~Total area of property presented in square feet or acres.~~
 39
 40 D. ~~Scale and north arrow, with north, to the extent feasible, oriented~~
 41 ~~to the top of all drawings.~~
 42
 43 E. ~~Names and route numbers of boundary streets and the width of~~
 44 ~~existing right(s) of way. Any proposed improvements to the~~
 45 ~~public right(s) of way and delineation of the existing centerline of~~
 46 ~~all streets abutting the property, including dimensions from the~~

1 ~~existing centerline to the edge of the pavement and to the edge of~~
2 ~~the right of way.~~

3
4 ~~F. Existing topography and a statement indicating whether it is air~~
5 ~~survey or field run, with a maximum contour interval of two (2)~~
6 ~~feet; except where existing ground is on a slope of less than two~~
7 ~~(2) percent, then either one (1) foot contours or spot elevations~~
8 ~~shall be provided where necessary, but not more than fifty (50) feet~~
9 ~~apart in both directions.~~

10
11 ~~G. The location and arrangement of all proposed uses, including a~~
12 ~~preliminary subdivision layout, if subdivision is proposed.~~

13
14 ~~H. For other than single family dwellings, the maximum height in~~
15 ~~feet, to include penthouses, of all buildings, and the number of~~
16 ~~floors both above and below or partially below finished grade.~~

17
18 ~~I. The distances of all structures from the development boundaries~~
19 ~~and streets.~~

20
21 ~~J. A graphic depiction of the angle of bulk plane, if applicable.~~

22
23 ~~K. The traffic circulation system and the pedestrian circulation~~
24 ~~system, including the location and width of all streets, driveways,~~
25 ~~entrances to parking areas and parking structures, walkways,~~
26 ~~bicycle paths and/or bridle paths, and all trails required by the~~
27 ~~adopted comprehensive plan.~~

28
29 ~~L. The off street parking and loading areas and structures.~~

30
31 ~~M. The open space areas, specifying the proposed treatment or~~
32 ~~improvement of all such areas and delineating those areas~~
33 ~~proposed for specific types of developed recreational facilities.~~

34
35 ~~N. A landscape plan showing the limits of clearing, location and~~
36 ~~design of all screening measures, indicating the type and height of~~
37 ~~such screening, and a delineation of existing vegetation, to include~~
38 ~~existing vegetation to be preserved, and when there is 2500 square~~
39 ~~feet or more of land disturbing activity, an existing vegetation~~
40 ~~map.~~

41
42 ~~O. Approximate delineation of any grave, object or structure marking~~
43 ~~a burial site if known, and a statement indicating how the proposed~~
44 ~~development will impact the burial site.~~

45
46 ~~P. A plan or statement showing how public utilities are, or will be,~~

1 provided.

2
3 Q. ~~Approximate location, estimated size of footprint in acres and type~~
4 ~~of all proposed stormwater management facilities, including the~~
5 ~~full extent of side slopes, embankments, spillways, dams, and~~
6 ~~approximate water surface elevation for design storms, if~~
7 ~~applicable. In addition a preliminary stormwater management plan~~
8 ~~that includes information about the adequacy of downstream~~
9 ~~drainage, including the sufficiency of capacity of any storm~~
10 ~~drainage pipes and other conveyances into which stormwater~~
11 ~~runoff from the site will be conveyed. When there is 2500 square~~
12 ~~feet or more of land disturbing activity, on the entire application~~
13 ~~property, in addition to the above, the preliminary stormwater~~
14 ~~management plan shall include:~~

15
16 (1) ~~A graphic depicting:~~

17
18 (a) ~~The approximate footprint of the stormwater~~
19 ~~management facility and, where applicable, the height~~
20 ~~of the dam embankment and the location of the~~
21 ~~emergency spillway outlet for each stormwater~~
22 ~~management facility.~~

23
24 (b) ~~The approximate on site and off site areas to be served~~
25 ~~by each stormwater management facility, along with the~~
26 ~~acreage draining to each facility.~~

27
28 (c) ~~A preliminary layout of all on site drainage channels,~~
29 ~~outfalls and pipes, including inlet and outlet pipes~~
30 ~~within the stormwater management facility.~~

31
32 (d) ~~The approximate location or locations, if any, of any~~
33 ~~maintenance access road or other means of access to the~~
34 ~~stormwater management facility, and the identification~~
35 ~~of the types of surfaces to be used for any such road.~~

36
37 (e) ~~Proposed landscaping and tree preservation areas in and~~
38 ~~near the stormwater management facility.~~

39
40 (f) ~~The approximate limits of clearing and grading on site~~
41 ~~and off site for the stormwater management facility,~~
42 ~~storm drainage pipes, spillways, access roads and~~
43 ~~outfalls, including energy dissipation, storm drain outlet~~
44 ~~protection and/or stream bank stabilization measures.~~

45
46 (2) ~~A preliminary stormwater management narrative setting~~

forth the following:

- (a) Description of how the detention and best management practice requirements will be met.
- (b) The estimated area and volume of storage of the stormwater facility to meet stormwater detention and best management practice requirements.
- (c) For each watercourse into which drainage from the property is discharged, a description of the existing outfall conditions, including any existing ponds or structures in the outfall area. The outfall area shall include all land located between the point of discharge from the property that is located farthest upstream, down to the point where the drainage area of the receiving watercourse exceeds 100 times the area of that portion of the property that drains to it or to a floodplain that drain an area of at least square mile, whichever comes first.
- (d) Description of how the adequate outfall requirements of the Public Facilities Manual will be satisfied.

R. The location of all existing utility easements having a width of twenty five (25) feet or more, and all major underground utility easements regardless of width.

S. Approximate delineation of any floodplain designated by the Federal Insurance Administration, United States Geological Survey, or Fairfax County, the delineation of any Resource Protection Area and Resource Management Area, and the approximate delineation of any environmental quality corridor as defined in the adopted comprehensive plan, and, if applicable, the distance of any existing and proposed structures from the floodplain, Resource Protection Area and Resource Management Area, or environmental quality corridor.

T. When the development is to be constructed in sections, a final sequence of development schedule showing the order of construction of such sections, and an approximate completion date for the construction of each section.

2. A final statement in tabular form which sets forth the following data, when such data is applicable to a given development plan:

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- 1 A. ~~Total number of dwelling units by type.~~
- 2
- 3 B. ~~Residential density in units per acre.~~
- 4
- 5 C. ~~Total floor area and floor area ratio for each type of use, except~~
- 6 ~~residential uses.~~
- 7
- 8 D. ~~Total area in open space.~~
- 9
- 10 E. ~~Total area in developed recreational open space.~~
- 11
- 12 F. ~~Total number of off street parking and loading spaces provided~~
- 13 ~~and the number required by the provisions of Article 11.~~
- 14
- 15 G. ~~Amount of density or floor area applied for under the bonus~~
- 16 ~~provisions, and the calculations supporting the specific~~
- 17 ~~development provisions giving rise to such bonus application.~~
- 18
- 19 3. ~~For the residential component of an application, five (5) copies of a map~~
- 20 ~~identifying classification of soil types at a scale of not less than one inch~~
- 21 ~~equals five hundred feet (1" = 500'), based upon information available~~
- 22 ~~on the County of Fairfax Soils Identification Maps.~~
- 23
- 24 4. ~~Architectural sketches, if available, of typical proposed structures,~~
- 25 ~~including lighting fixtures and signs.~~
- 26
- 27 5. ~~A listing, if known, of all hazardous or toxic substances as set forth in~~
- 28 ~~Title 40, Code of Federal Regulations Parts 116.4, 302.4 and 355; all~~
- 29 ~~hazardous waste as set forth in Virginia Department of Environmental~~
- 30 ~~Quality Hazardous Waste Management Regulations; and/or petroleum~~
- 31 ~~products as defined in Title 40, Code of Federal Regulations Part 280; to~~
- 32 ~~be generated, utilized, stored, treated, and/or disposed of on site and the~~
- 33 ~~size and contents of any existing or proposed storage tanks or containers.~~
- 34
- 35 6. ~~A statement that the proposed development conforms to the provisions~~
- 36 ~~of all applicable ordinances, regulations and adopted standards, or, if any~~
- 37 ~~waiver, exception or variance is sought by the applicant, such shall be~~
- 38 ~~specifically noted with the justification for such modification.~~
- 39
- 40 1. Four (4) copies of an application on forms provided by the County,
- 41 completed and signed by the applicant.
- 42
- 43 2. One (1) copy of the current Fairfax County Zoning Section Sheet(s)
- 44 covering the area of the application, at a scale of one inch equals five
- 45 hundred feet (1" = 500'), showing:
- 46

1 A. Boundaries of the subject property outlined in red.

2
3 B. Major thoroughfare access to the property and any known plans for
4 future widening as indicated in the adopted comprehensive plan or
5 a plan prepared by the Virginia Department of Transportation.

6
7 If more than one (1) Zoning Section sheet is required to cover the subject
8 property, such sheets shall be attached so as to create an intelligible map.

9
10 73. ~~When a final development plan is not submitted in conjunction with a~~
11 ~~conceptual development plan, An affidavit is required, as presented on~~
12 ~~an affidavit form approved by the Board of Supervisors and provided by~~
13 ~~the County, completed, signed by the applicant or the applicant's~~
14 ~~authorized agent and notarized, including a statement indicating whether~~
15 ~~or not a member of the Board or Planning Commission, or any member~~
16 ~~of his or her immediate household owns or has any financial interest in~~
17 ~~the subject land either individually, by ownership in stock in a~~
18 ~~corporation owning such land, or through an interest in a partnership~~
19 ~~owning such land. If the applicant's agent completes the application or~~
20 ~~affidavit on the applicant's behalf, a certified statement from the~~
21 ~~applicant must be submitted showing the agent's authorization to act in~~
22 ~~such capacity.~~

23 Prior to each public hearing on the application, the applicant shall
24 reaffirm the affidavit required by this Paragraph in accordance with the
25 reaffirmation procedure outlined on the affidavit form approved by the
26 Board of Supervisors and provided by the County.

27
28 8. ~~Where applicable, any other information as may be required by the~~
29 ~~provisions of Article 7.~~

30
31 4. An application filed by an agent, contract purchaser or lessee shall
32 include a notarized written statement signed by the property owner
33 indicating endorsement of the application.

34
35 5. Four (4) copies of a written statement of justification, dated and signed.

36
37 6. An application fee as provided for in Sect. 18-106.

38
39 ~~The sheet size and scale of a final development plan may be modified by~~
40 ~~the Zoning Administrator, based on the nature and/or size of the application.~~

41
42
43 **Amend Article 17, Site Plans, Part 1, General Regulations, Sect. 17-106, Required**
44 **Information on Site Plans, by revising Par. 20 to read as follows:**

45

1 All site plans shall contain a cover sheet as prescribed by the Director and the following
 2 information, where applicable, unless the Director determines, based upon written
 3 justification submitted with the plan, that the information is unnecessary for a complete
 4 review of the site plan. Site plans shall also be prepared in accordance with the provisions
 5 of the Public Facilities Manual and shall be submitted in metric measurements or the
 6 English equivalent to metric measurements; provided, however, that in the event of any
 7 discrepancy between the English and metric measurements used to express any standard in
 8 this Ordinance, the English measure shall control.
 9

10 20. Location and height of all light poles, including parking lot and walkway light
 11 poles, illustrations of each style of freestanding lighting fixture that demonstrate that
 12 such fixture is either a full cut-off or directionally shielded lighting fixture, as
 13 required by Part 9 of Article 14 and a statement by the owner/developer certifying
 14 that all outdoor lighting provisions of Part 9 of Article 14 shall be met.

15 For outdoor recreation/sports facility playing fields/courts, a sports
 16 illumination plan shall be submitted as required by Part 9 of Article 14, and for
 17 service stations, service station/mini-marts and vehicle sale, rental and ancillary
 18 service establishments, a photometric plan shall be submitted as required by Part 9
 19 of Article 14. For those facilities that had a sports illumination plan or photometric
 20 plan approved by the BZA in conjunction with the approval of a special permit or
 21 by the Board in conjunction with the approval of a special exception, development
 22 plan, planned district plan or proffered rezoning, the approved plan shall be included
 23 in the site plan.
 24
 25

26 **Amend Article 18, Administration, Amendments, Violations and Penalties, as follows:**

27
 28 - **Amend Part 1, Administration, as follows:**

29
 30 - **Amend Sect. 18-102, Duties of the Zoning Administrator, by revising**
 31 **Par. 1F to read as follows:**

32
 33 In the administration of the provisions of this Ordinance, the Zoning
 34 Administrator shall have the following specific duties and responsibilities:

35
 36 1. The receipt, review for completeness and substantial compliance,
 37 official acceptance, and maintenance of current and permanent files
 38 and records for the following:

39
 40 F. Generalized development plans, conceptual development plans,
 41 ~~and~~ final development plans, planned district plans,
 42 development plans and amendments thereto.
 43

44 - **Amend Sect. 18-105, Filing of Applications, to read as follows:**

45
 46 Every application required under the provisions of this Ordinance shall be
 47 filed with the Zoning Administrator. No application shall be accepted unless

1 it is in accordance with the applicable provisions of this Ordinance and no
 2 application shall be officially on file with the County unless and until the
 3 application and all required accompanying submissions, with the exception
 4 of a development plan, ~~conceptual development~~ planned district plan or
 5 generalized development plan, as otherwise provided for in this Ordinance,
 6 are submitted to and accepted by the Zoning Administrator. Upon
 7 acceptance, an application shall be transmitted to the officer, body or agency
 8 having jurisdiction to act on the same, and such official shall promptly notify
 9 the Zoning Administrator of the action taken on the application.

10
 11 - **Amend Sect. 18-106, Application and Zoning Compliance Letter Fee, by**
 12 **revising Par. 2 to read as follows:**

13
 14 All appeals and applications as provided for in this Ordinance and requests
 15 for zoning compliance letters shall be accompanied by a filing fee in the
 16 amount to be determined by the following paragraphs unless otherwise
 17 waived by the Board for good cause shown; except that no fee shall be
 18 required where the applicant is the County of Fairfax or any agency,
 19 authority, commission or other body specifically created by the County,
 20 State or Federal Government. All fees shall be made payable to the County
 21 of Fairfax. Receipts therefore shall be issued in duplicate, one (1) copy of
 22 which receipt shall be maintained on file with the Department of Planning
 23 and Zoning.

24
 25 2. Application for an amendment to the Zoning Map:

District Requested	Filing Fee
All R Districts	\$5693 plus \$121 per acre
All C, I and Overlay Districts	\$5693 plus \$190 per acre
PRC District	\$5693 plus \$190 per acre
PDH, PDC and PRM District	
Application with conceptual development plan	\$5693 plus \$190 per acre
Application with concurrent filing of conceptual and final development plans <u>planned district plan</u>	\$5693 plus \$282 per acre
Final development plan	\$2846 plus \$92 per acre

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1	Amendment to a pending	\$949 plus applicable
2	application for an amendment to	per acre fee for acreage
3	the Zoning Map	affected by the amendment
4		
5	Amendment to a pending	\$863
6	application for a final development	
7	plan or development plan	
8	amendment	
9		
10	Amendment to a previously	\$2846 plus applicable per
11	approved development plan,	acre fee for acreage
12	<u>previously approved proffered</u>	affected by the amendment
13	<u>condition, or previously approved</u>	
14	<u>planned district plan, with new</u>	
15	<u>construction; or amendment to a</u>	
16	<u>previously approved conceptual development</u>	
17	<u>plan or concurrent conceptual/final</u>	
18	<u>development to a planned district plan,</u>	
19	<u>with new construction</u>	
20		
21	Amendment to a previously	\$2846
22	approved development plan,	
23	<u>previously approved proffered condition,</u>	
24	<u>or previously approved planned district</u>	
25	<u>plan, with no new construction; or</u>	
26	<u>amendment to a previously approved</u>	
27	<u>conceptual development plan or concurrent</u>	
28	<u>conceptual/final development to a</u>	
29	<u>planned district plan, with no new</u>	
30	<u>construction</u>	
31		
32	Amendment to a previously	\$2846 plus applicable per
33	approved final development plan	acre fee for acreage affected
34	with new construction	by the amendment
35		
36	Amendment to a previously	\$2846
37	approved final development plan	
38	with no new construction	
39		

Note: For purpose of computing acreage fees, any portion of an acre shall be counted as an acre.

The fee for an amendment to a pending application is only applicable when the amendment request results in a change in land area, change in use or other substantial revision.

46

- **Amend Sect. 18-107, Processing of Applications, by revising Par. 2 to read as follows:**

2. All applications for an amendment to the Zoning Map shall, in general, be scheduled and considered in the order in which the required development plan, generalized development plan or planned district plan is submitted. All applications shall be heard and a decision made within twelve (12) months from the date of acceptance of the application, unless:

A. The application is the subject of an amendment involving a change in the zoning district requested, a change in the land area or other substantial revision, in which case the application shall be subject to the provisions of Sect. 207 below;

B. The required development plan, generalized development plan or planned district plan is not submitted within sixty (60) days of the acceptance of the application, in which case, there shall be a revised acceptance date for the application. The revised acceptance date shall be the date of the initial acceptance of the application plus the number of days that the development plan, generalized development plan or planned district plan was submitted subsequent to the sixty (60) day deadline, and hearing and decision on the application shall be within twelve (12) months from that revised acceptance date;

C. An extended period is mutually agreed to by the applicant and the Board; or

D. The applicant refuses or neglects to prosecute an application in accordance with the provisions of this Ordinance.

- **Amend Part 2, Amendments, as follows:**

- **Amend Sect. 18-202, Submission Requirements, by revising Par. 16 to read as follows:**

All applications for amendments to the Zoning Map, initiated in the manner prescribed by Par. 3 of Sect. 201 above, except as qualified below, shall be filed with the Zoning Administrator and shall include the following information:

16. If the proposed amendment is for a rezoning to a P district, twenty-three (23) copies of a planned district plan or development plan as provided for in Article 16.

1 - **Amend Sect. 18-204, Proffered Condition Regulations, by revising the**
 2 **introductory paragraph and Paragraphs 4 and 5A to read as follows:**

3
 4 Proffered conditions shall include written statements, development plans,
 5 generalized development plans, planned district plans or final development
 6 plans, profiles, elevations, and/or other demonstrative materials proffered in
 7 accordance with the provisions of Par. 4 of Sect. 203 above and approved by
 8 the Board in conjunction with the approval of an amendment to the Zoning
 9 Map. Proffered conditions shall be subject to the following procedures and
 10 regulations:

11
 12 4. Upon approval, any site plan, subdivision plat, ~~or~~ development plan,
 13 generalized development plan, planned district plan or final
 14 development plan thereafter submitted for the development of the
 15 property in question shall be in substantial conformance with all
 16 proffered conditions and no development shall be approved by any
 17 County official in the absence of said substantial conformance.

18
 19 5. Notwithstanding the provisions of Part 4 of Article 1, minor
 20 modifications to the proffered conditions may be permitted when it is
 21 determined by the Zoning Administrator that such are in substantial
 22 conformance with the proffered conditions and that such: are in
 23 response to issues of topography, drainage, underground utilities,
 24 structural safety, layout, design, vehicular circulation, or
 25 requirements of the Virginia Department of Transportation or Fairfax
 26 County; or are accessory uses; or are accessory structures or minor
 27 building additions as permitted by Par. 5A(7) or 5B(7) below. Minor
 28 modifications to proffered planned district plans or final development
 29 plans shall be subject to the provisions of Par. 4 of Sect. 16-403.
 30 Minor modifications to proffered development plans in the PRC
 31 District shall be subject to the provisions of Par. 13 of Sect. 16-203.

32
 33 A. For proffered rezonings for all uses, other than churches,
 34 chapels, temples, synagogues and other such places of
 35 worship (hereinafter places of worship) or places of worship
 36 with a child care center, nursery school or private school of
 37 general or special education, the modifications shall, in no
 38 event:

39
 40 (1) Change the amount of land area or permit a more
 41 intensive use from that approved pursuant to the
 42 proffered conditions; or

43
 44 (2) Result in an increased parking requirement, except for
 45 any additional parking which may be required for any
 46 building additions or modifications permitted under
 47 Par. 5A(6) 5(A)7 below; or

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- (3) Permit uses other than those approved pursuant to the proffered conditions, except that accessory uses in accordance with this paragraph may be permitted; or
- (4) Reduce the effectiveness of approved transitional screening, buffering, landscaping or open space; or
- (5) Permit changes to bulk, mass, orientation or location which adversely impact the relationship of the development or part thereof to adjacent property; or
- (6) Result in an increase in the amount of clearing and/or grading for a stormwater management facility, including any clearing and/or grading associated with spillways, inlets, outfall pipes or maintenance roads, that reduces non-stormwater management open space, tree save and/or landscaping on the lot; or
- (7) Include the addition of any building or additions to buildings except that accessory structures clearly subordinate to the use and minor additions to buildings may be permitted, provided that the sum total of all such structures or additions shall not exceed the following:
 - (a) five (5) percent of the approved gross floor area or 500 square feet of gross floor area, whichever is less, when the total gross floor area shown on the proffered generalized development plan is less than 50,000 square feet; or
 - (b) one (1) percent of the approved gross floor area when the total gross floor area shown on the proffered generalized development plan is 50,000 square feet or more; or
 - (c) 250 square feet of gross floor area of accessory structure uses when the total gross floor area shown on the proffered generalized development plan is 10,000 square feet or less; and
 - (d) the maximum permitted density; or
 - (e) the maximum permitted FAR for the zoning district in which located.

1 - **Amend, Sect. 18-208, Withdrawal of Applications, to read as follows:**

2
3 Any application for an amendment may be withdrawn at any time by the
4 applicant or his agent by giving notice in writing to the Zoning
5 Administrator. If the request for withdrawal is made prior to the submission
6 of a development plan, generalized development plan or ~~conceptual~~
7 ~~development~~ planned district plan, the Zoning Administrator shall refund all
8 except twenty-five (25) percent of the fee paid for filing the application. No
9 fee or part thereof shall be refunded once such development plan has been
10 submitted.

11 An application may also be administratively withdrawn by the Zoning
12 Administrator if it is determined that the application was accepted in error.
13 In such cases, there shall be a full refund of the fee paid for filing the
14 application.

15
16 - **Amend Sect. 18-209, Dismissal of Applications, to read as follows:**

17
18 If an applicant refuses or neglects to prosecute an application or fails to
19 submit a development plan, generalized development plan or ~~conceptual~~
20 ~~development~~ planned district plan in accordance with the requirements of
21 this Ordinance, the Zoning Administrator may, not less than fifteen (15)
22 days after notice of intention to do so, declare an application dismissed.
23 Notice sent by certified mail, return receipt requested, to the applicant at the
24 last known address shall be deemed adequate compliance with this
25 requirement. If an application is dismissed, there shall be no refund of the
26 filing fee.

27
28 - **Amend Part 6, Building Permits, Sect. 18-602, Application for a Permit, by**
29 **adding a new Par. 2C to read as follows and relettering the subsequent**
30 **paragraphs accordingly.**

31
32 Applications for a Building Permit shall be on forms provided by the County and
33 shall be approved by the Zoning Administrator prior to issuance. An application
34 shall be accompanied by one of the following:

- 35
36 2. When the building or structure does not require site plan approval, four (4)
37 copies of a plat certified by a land surveyor, engineer, landscape architect or
38 architect authorized by the State to practice as such, except that plats
39 submitted for additions to an existing single family detached or attached
40 dwelling or accessory structures related to an existing single family detached
41 or attached dwelling may be prepared by other than a land surveyor,
42 engineer, landscape architect or architect. Each such plat shall indicate the
43 following information:

44
45 C. Location of minimum required yards for single family dwellings in
46 PDH, PDC or PRM Districts that are depicted on approved final

1 development or planned district plans approved after [Effective Date
 2 of Amendment], and the distances between the minimum required
 3 yards and all property lines.

- 4
 5 - **Amend Part 7, Residential and Non-Residential Use Permits, Sect. 18-704,**
 6 **Minimum Requirements, by adding a new Par. 13B and relettering the**
 7 **subsequent paragraphs to read as follows:**

8
 9 The following minimum requirements must be met prior to the issuance of a
 10 Residential or Non-Residential Use Permit:

- 11
 12 13. For single family detached dwelling units, five (5) copies of an as-built
 13 house location survey plat shall be submitted to the Zoning Administrator
 14 for review and approval within thirty (30) days of the issuance of the
 15 Residential Use Permit. Such plat shall be presented on a sheet having a
 16 maximum size of 8 ½" by 14", drawn to a designated scale of not less than
 17 one inch equals fifty feet (1" = 50'), or a metric scale of 1:500 or larger,
 18 unless a smaller scale is required to accommodate the development, with the
 19 scale clearly indicated. In all cases, the scale used on the as-built house
 20 location plat shall be the same as the scale of the approved house grading
 21 plan. Such plat, regardless of the area of the lot, shall be prepared in
 22 accordance with the rules and regulations adopted by the Commonwealth of
 23 Virginia, Board for Architects, Professional Engineers, Land Surveyors and
 24 Landscape Architects (APELSLA), and shall also show the following:

- 25
 26 B. Location of minimum required yards for single family detached
 27 dwellings in PDH, PDC or PRM Districts that are depicted on
 28 approved final development or planned district plans approved after
 29 [Effective Date of Amendment], and the distances between the
 30 minimum required yards and all property lines.

- 31
 32
 33 **Amend Article 20, Ordinance Structure, Interpretations and Definitions, Part 3,**
 34 **Definitions, by revising the Conceptual Development Plan, Final Development Plan,**
 35 **Site Plan and Substantial Conformance definitions and by adding a new Planned**
 36 **District Plan definition in its correct alphabetical sequence, all to read as follows:**

37
 38 DEVELOPMENT PLAN, CONCEPTUAL: ~~A required submission at the time of filing for~~
 39 ~~an amendment to the Zoning Map for a P district other than the PRC District, prepared and~~
 40 ~~approved in accordance with the provisions of Sect. 16-401, which plan approved by the~~
 41 Board in conjunction with the approval of an amendment to the Zoning Map for a P district
 42 other than the PRC District prior to [Effective Date of Amendment], that generally
 43 characterizes the planned development of the subject lot.

44
 45 DEVELOPMENT PLAN, FINAL: ~~A required submission following the approval of a~~
 46 ~~conceptual development plan and rezoning application for a P district other than a PRC~~

1 District, that was rezoned to the P district and received conceptual development plan
2 approval prior to [Effective Date of Amendment], provided that the development is in
3 substantial conformance with the approved conceptual development plan. A final
4 development plan shall be prepared and approved in accordance with the provisions of Sect.
5 16-402, which further details the planned development of the subject lot. For the purpose
6 of this Ordinance, a final development plan is not to be construed as a site plan as required
7 by the provisions of Article 17.
8

9 PLANNED DISTRICT PLAN: A required submission for any rezoning application for a P
10 district other than a PRC, submitted after [Effective Date of Amendment], and prepared and
11 approved in accordance with the provisions of Sect. 16-401, which characterizes the
12 planned development of the subject lot. A planned district plan shall also be required for
13 any development in a P district other than the PRC District, that is subject to a conceptual
14 development plan approved prior to [Effective Date of Amendment] and such development
15 is not in substantial conformance with the approved conceptual development plan. For the
16 purpose of this Ordinance, a planned district plan is not to be construed as a site plan as
17 required by the provisions of Article 17.
18

19 SITE PLAN: A required submission, prepared and approved in accordance with the
20 provisions of Article 17, which contains detailed engineering drawings of the proposed uses
21 and improvements required in the development of a given lot. In all Articles of this
22 Ordinance other than Article 17, where the term 'site plan' is used, it shall also include the
23 term 'minor site plan', unless otherwise specifically noted. A site plan is not to be construed
24 as a proffered generalized development plan, conceptual development plan, final
25 development plan, planned district plan or development plan as required by other
26 provisions of this Ordinance.
27

28 SUBSTANTIAL CONFORMANCE: Substantial conformance shall be as determined by
29 the Zoning Administrator upon consideration of the record and shall mean that
30 conformance which leaves a reasonable margin for minor modification provided that:
31

32 - such modification is consistent with and does not materially alter the character of the
33 approved development including the uses, layout and relationship to adjacent
34 properties depicted on the approved special permit plat, special exception plat,
35 conceptual development plan, final development plan, planned district plan,
36 development plan, or proffered generalized development plan;
37

38 - such modification is consistent with any proffered or imposed conditions that govern
39 development of the site; and,
40

41 - such modification is in accordance with the requirements of this Ordinance.
42