

**ADOPTION OF AN AMENDMENT TO CHAPTER 112  
(ZONING) OF THE 1976 CODE OF THE COUNTY OF FAIRFAX, VIRGINIA**

At a regular meeting of the Board of Supervisors of Fairfax County, Virginia, held in the Board Auditorium, Lobby Level, Government Center Building, 12000 Government Center Parkway, Fairfax, Virginia, on Tuesday, February 11, 2014, the Board after having first given notice of its intention so to do, in the manner prescribed by law, adopted an amendment to Chapter 112 (Zoning) of the 1976 Code of the County of Fairfax, Virginia, said amendment so adopted being in the words and figures following, to-wit:

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

Amend Chapter 112 (Zoning Ordinance), as follows:

**Amend Article 6, Planned Development District Regulations, PDH, PDC, PRM and PTC Districts, as follows:**

**- Amend Sections 6-106, 6-206 and 6-406, Use Limitations, by revising Par. 3 of Sections 6-106 and 6-206 and Par. 5 of Sect. 6-406 to read as follows:**

3. or 5. When a use presented in Sect. 103 [203,403] above as a Group or Category use is being considered for approval on a final development plan, the standards set forth in Articles 8 or 9 shall be used as a guide.

When a use presented in Sect. 103 [203,403] above as a Group or Category use is being considered for approval as a special exception use, pursuant to Sect. 105 [205,405] above, the use shall be subject to the provisions of Article 9 and the special permit standards of Article 8, if applicable. Provided that such use is in substantial conformance with the approved conceptual development plan and any imposed development conditions or proffered conditions and is not specifically precluded by the approved final development plan, no final development plan amendment shall be required.

In either of the above, all Category 3 medical care facility uses shall be subject to the review procedures presented in Part 3 of Article 9. In addition, a Group 3 home child care facility shall be subject to the plan submission requirements and additional standards set forth in Sect. 8-305.

**- Amend Sect. 6-505, Use Limitations, by revising Par. 4 to read as follows:**

4. When a use presented in Sect. 502 above as a Group or Category use is being considered for approval on a final development plan, the standards set forth in Articles 8 or 9 shall be used as a guide.

When a use presented in Sect. 502 above as a Group or Category use is being considered for approval as a special exception use, pursuant to Sect. 504 above, the use shall be subject to the provisions of Article 9 and the special permit standards of Article 8, if applicable, and the use limitations set forth in this Section. In the event a special exception or special permit standard conflicts with a use limitation of this Section, the use limitation of this Section shall apply. Provided that such use is in substantial conformance with the approved conceptual development plan and any imposed development conditions or proffered conditions and is not specifically precluded by the approved final development plan, no final development plan amendment shall be required.

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

In either of the above, all Category 3 medical care facility uses shall be subject to the review procedures presented in Part 3 of Article 9. In addition, a Group 3 home child

care facility shall be subject to the plan submission requirements and additional standards set forth in Sect. 8-305.

**Amend Article 18, Administration, Amendments, Violations, and Penalties, Part 1, Administration, Sect. 18-106, Application and Zoning Compliance Letter Fees, by revising the Category 3 special exception application fee set forth in Par. 1 to read as follows:**

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

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

Category 3 special exception

- Child care centers, nursery schools and private schools which have an enrollment of less than 100 students daily, churches, chapels, temples, synagogues and other such places of worship with a child care center, nursery school or private school which has an enrollment of less than 100 students daily and independent living facilities for low income tenants, whether a new application or an amendment to a previously approved and currently valid application, with or without new construction \$1100
- Home child care facilities \$435
- Churches, chapels, temples, synagogues and other such places of worship with a child care center, nursery school or private school which has an enrollment of 100 or more students daily \$11025
- All other uses \$16375

**Amend Article 4, Commercial District Regulations, C-7 and C-9 Districts, as follows:**

- **Amend Sections 4-702 and 4-902, Permitted Uses, by deleting Par. 5 of Sect. 4-702 and Par. 4 of Sect. 4-902, and renumbering the subsequent paragraphs accordingly.**

- **Amend Sect. 4-705, Use Limitations, by deleting Par. 9 and renumbering the subsequent paragraphs accordingly.**
- **Amend Sect. 4-905, Use Limitations, by deleting Par. 10 and renumbering the subsequent paragraphs accordingly.**

**Amend Article 10, Accessory Uses, Accessory Service Uses, and Home Occupations, Part 1, Accessory Uses and Structures, Sect. 10-102, Permitted Accessory Uses, by adding a new Par. 32 to read as follows:**

32. Child care centers for occasional care, only when located within the main structure of a regional or super-regional shopping center, and subject to the applicable provisions of Chapter 30 of The Code and Title 63.2, Chapter 17 of the Code of Virginia.

**This amendment shall become effective on February 12, 2014 at 12:01 a.m.**

**GIVEN under my hand this 12th day of February, 2014.**

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**CATHERINE A. CHIANESE**  
**Clerk to the Board of Supervisors**