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, October 28, 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 as follows:

- **Amend Part 1, PDH Planned Development Housing District, Sect. 6-110, Open Space, by revising Par. 2 to read as follows:**

  2. As part of the open space to be provided in accordance with the provisions of Par. 1 above, there shall be a requirement to provide recreational facilities in all PDH Districts. The provision of such facilities shall be subject to the provisions of Sect. 16-404, and such requirements shall be based on a minimum expenditure of $1800 per dwelling unit for such facilities and either:

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

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

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

- **Amend Part 2, PDC Planned Development Commercial District, Sect. 6-209, Open Space, by revising Par. 2 to read as follows:**

  2. In a PDC development where dwelling units are proposed as a secondary use, as part of the open space to be provided in accordance with the provisions of Par. 1 above, there shall be a requirement to provide recreational facilities for the enjoyment of the residents of the dwelling units. The provision of such facilities shall be subject to the provisions of Sect. 16-404 and such requirement shall be based on a minimum expenditure of $1800 per dwelling unit for such facilities and either:

     A. The facilities shall be provided on-site by the developer in substantial conformance with the approved final development plan. In the administration of this provision, credit shall be considered where there is a plan to provide common recreational facilities for the residents of the dwelling units and the occupants of the principal uses, and/or

     B. The Board may approve the provision of the facilities located on property which is not part of the subject PDC District.

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

- **Amend Part 4, PRM Planned Residential Mixed Use District, Sect. 6-409, Open Space, by revising Par. 2 to read as follows:**

2. In addition to Par. 1 above, there shall be a requirement to provide recreational facilities. The provision of such facilities shall be subject to the provisions of Sect. 16-404, however, recreational facilities, such as swimming pools, exercise rooms, or health clubs, which are located on rooftops, deck areas and/or areas within a building, may be used to fulfill this requirement. The requirement for providing recreational facilities shall be based on a minimum expenditure of $1800 per dwelling unit for such facilities and either:

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

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

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

- **Amend Part 5, PTC Planned Tysons Corner Urban District, Sect. 6-508, Open Space, by revising Par. 2 to read as follows:**

2. In addition to Par. 1 above, there shall be a requirement to provide recreational facilities. The provision of such facilities shall be subject to the provisions of Sect. 16-404, however, recreational facilities, such as swimming pools, exercise rooms, or health clubs, which are located on rooftops, deck areas and/or areas within a building, may be used to fulfill this requirement. The requirement for providing recreational facilities shall be based on a minimum expenditure of $1800 per dwelling unit for such facilities and either:

   A. The facilities shall be provided on-site by the developer in substantial conformance with the approved final development plan; and/or

   B. The Board may approve the provision of the facilities on land that is not part of the subject PTC District.

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

This amendment shall become effective on October 29, 2014 at 12:01 a.m. with the following grandfathered from the amendment:

- Rezoning applications to the PDH, PDC, PRM or PTC Districts containing dwelling units, including proffered condition amendments which propose to add dwelling units, that are accepted prior to the effective date of the amendment and approved by March 1, 2015 shall be grandfathered from this amendment.

- Proffered condition amendments which propose to add dwelling units and are accepted on or after the effective date of the amendment shall be subject to the requirements of this amendment for the additional density.

GIVEN under my hand this 28th day of October, 2014.

CATHERINE A. CHIANESE
Clerk to the Board of Supervisors