

**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 6, 2015, the Board after having first given notice of its intention so to do, in the manner prescribed by law, adopted an amendment to Chapter 112 (Zoning) of the 1976 Code of the County of Fairfax, Virginia, said amendment so adopted being in the words and figures following, to-wit:

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

Amend Chapter 112 (Zoning Ordinance), as follows:

Amend Article 2, General Regulations, Part 5, Qualifying Use, Structure Regulations, by amending Paragraphs 2B(2) and 2C(3)(b) of Sect. 2-514, Limitations on Mobile and Land Based Telecommunication Facilities, as follows:

Mobile and land based telecommunication facilities shall be permitted on any lot in the following zoning districts when such use is in accordance with the following limitations and when such use is not specifically precluded or regulated by any applicable proffered condition, development condition, special permit or special exception condition which limits the number, type and location of antenna and/or related equipment structure. Further provided, however, such use shall be in substantial conformance with any proffered condition, development condition, special permit or special exception condition. In addition, such uses shall be subject to the requirements of Sect. 15.2-2232 of the Code of Virginia.

2. Antennas mounted on existing or replacement utility distribution and transmission poles (poles) and light/camera standards (standards), with related unmanned equipment cabinets and/or structures, shall be permitted in accordance with the following and may exceed the maximum building height limitations, subject to the following paragraphs:

B. The following antenna types shall be permitted subject to Paragraphs 2C through 2I below:

- (2) Directional or panel antennas, not exceeding eight and one-half (8½) feet in height or two (2) feet in width.

C. The antennas listed in Par. 2B above shall be permitted as follows:

- (3) In commercial or industrial districts; in commercial areas of PDH, PDC, PRC PRM, and PTC Districts; in districts zoned for multiple family dwellings and residentially developed with buildings that are greater than thirty-five (35) feet in height; in any zoning district on lots containing: Group 3 special permit uses, except home child care facilities and group housekeeping units, Group 4, 5 or 6 special permit uses, Category 1, 2, 3 or 4 special exception uses, or Category 5 special exception uses of country clubs, golf clubs, commercial golf courses, golf driving ranges, miniature golf ancillary to golf driving ranges, baseball hitting and archery ranges, or kennels and veterinary hospitals ancillary to kennels; or in any zoning district on property owned or controlled by a public use or Fairfax County governmental unit, to include street right-of-ways, the following shall apply:
 - (b) Except for replacement light/camera standards identified in the following paragraph, the height of a replacement pole or standard, including antennas, shall not exceed 100 feet, provided however, if the height of the existing pole or standard exceeds 100 feet, the replacement pole or standard, including antennas, shall be no more than 15 feet higher. The diameter of a replacement pole or standard shall not exceed sixty (60) inches.

The height of a new or replacement light/camera standard on the property used for athletic fields and owned or controlled by a public use or Fairfax County governmental unit, including antennas, shall not exceed 125 feet. The diameter of the light/camera standard shall not exceed sixty (60) inches.

Amend Article 8, Special Permits, as follows:

- **Amend Part 3, Group 3 Institutional Uses, by amending Par. 1 of Sect. 8-305, Additional Standards for Home Child Care Facilities, to read as follows:**
 1. The number of children that may be cared for in a home child care facility may exceed the number of children permitted under Par. 6A of Sect. 10-103, but in no event shall the maximum number of children permitted at any one time exceed twelve (12), excluding the provider's own children. The BZA may also allow more than one nonresident person to be involved with the use and/or allow an expansion of the permitted hours of attendance of any such nonresident person beyond the hours permitted under Par. 6D of Sect. 10-103. Except as described above, home child care facilities shall also be subject to the use limitations of Par. 6 of Sect. 10-103.

- **Amend Part 8, Group 8 Temporary Uses, by amending Paragraphs 3 and 4 of Sect. 8-810, Standards and Time Limits for Temporary Farmers' Markets, to read as follows:**
 3. Such use shall be located on a lot having frontage on or safe and convenient access to a principal or minor arterial street as set forth in Appendix 8.
 4. No storage of vehicles, canopies, display items or produce shall be permitted when the market is not in operation. Additionally, no structures shall be allowed, provided, however, that canopy tents, fabric canopies primarily attached to vehicles and temporary portable shelving, portable tables, bins, hanging racks and similar display items shall not be deemed structures.

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

- **Amend Part 1, Accessory Uses and Structures, Sect. 10-103, Use Limitations, by revising Par. 6.G. to read as follows:**
 - 6.G. An increase in the number of children permitted under Par. A above or the involvement of more than one nonresident person or an extension of the hours of attendance of such nonresident person as provided for under Par. D above may be permitted in accordance with the provisions of Part 3 of Article 8.

Amend Article 14, Performance Standards, Part 7, Noise Standards, by revising Sect. 14-700 to read as follows:

No use, operation or activity shall cause or create noise in excess of the sound levels prescribed in Chapter 108.1 of The Code.

Amend Article 17, Site Plans, as follows:

- Amend Part 1, General Requirements, Sect. 17-106, Required Information on Site Plans, by revising the lead-in paragraph and Paragraphs 2, 8 and 9 to read as follows:

All site plans shall contain a cover sheet as prescribed by the Director and the following information, where applicable, unless the Director determines, based upon written justification submitted with the plan, that the information is unnecessary for a complete review of the site plan. Site plans shall also be prepared in accordance with the provisions of the Public Facilities Manual and shall be submitted in English measurements, unless otherwise approved by the Director.

2. Site plans shall be prepared to a scale of one inch equals fifty feet (1"=50') or larger and all lettering shall be not less than 1/10" in height. The sheet(s) shall be 24" by 36" and, if prepared on more than one (1) sheet, match lines shall clearly indicate where the several sheets adjoin.
8. Horizontal dimensions shown on the site plan shall be shown in feet and decimal fractions of a foot accurate to the closet one-hundredth of a foot (.00). All bearings in degrees, minutes and seconds shall be shown to a minimum accuracy of ten (10) seconds.
9. Existing topography with a maximum contour interval of two (2) foot, except that where existing ground is on a slope of less than two (2) percent, either one (1) foot contour or spot elevations shall be provided where necessary, but no more than fifty (50) feet apart in both directions.

- Amend Part 2, Required Improvements, Sect. 17-201, Improvements to be Provided, by revising the Paragraphs 3.B. and 7 to read as follows:

- 3.B. Adjacent to any minor arterial or collector street, a travel lane not less than twenty-two (22) feet in width shall be constructed to afford access to adjoining properties.
7. Installation of adequate 'No Parking' signs along travel lanes or service drives to

prohibit parking on same. Such signs shall be located on each curbed side, no more than fifty (50) feet apart.

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

13. For single family detached dwelling units, five (5) copies of an as-built house location survey plat shall be submitted to the Zoning Administrator for review and approval within thirty (30) days of the issuance of the Residential Use Permit. Such plat shall be presented on a sheet having a maximum size of 8 ½" by 14", drawn to a designated scale of not less than one inch equals fifty feet (1" = 50') or larger, unless a smaller scale is required to accommodate the development, with the scale clearly indicated. In all cases, the scale used on the as-built house location plat shall be the same as the scale of the approved house grading plan. Such plat, regardless of the area of the lot, shall be prepared in accordance with the rules and regulations adopted by the Commonwealth of Virginia, Board for Architects, Professional Engineers, Land Surveyors and Landscape Architects (APELSLA), and shall also show the following:
 - A. The distance from all structures including any extensions from the vertical plane of the building, structure, or addition shown to the nearest one-tenth of a foot to all lot lines and any floodplain. For features which extend into the minimum required yard pursuant to Sect. 2-412, in addition to showing the distance of the feature to all lot lines, the plat shall also include the specific dimension which qualifies the feature for the permitted extension.

Amend Article 20, Ordinance Structure, Interpretations and Definitions, Part 2, Definitions, by amending the entry for GROUP RESIDENTIAL FACILITY, to read as follows:

GROUP RESIDENTIAL FACILITY: A group home or other residential facility, with one or more resident or nonresident staff persons, in which no more than: (a) eight (8) mentally ill, intellectually disabled or developmentally disabled persons reside and such home is licensed by the Virginia Department of Behavioral Health and Developmental Services; or (b) eight (8) intellectually disabled persons or eight (8) aged, infirm or disabled persons reside and such home is licensed by the Virginia Department of Social Services; or (c) eight (8) handicapped persons reside, with handicapped defined in accordance with the Federal Fair Housing Amendments Act of 1988. The terms handicapped, mental illness and developmental disability shall not include current illegal use or addiction to a controlled substance as defined in Sect. 54.1-3401 of the Code of Virginia or as defined in Sect. 102 of the Controlled Substance Act (21 U.S.C. 802). For the purpose of this Ordinance, a group residential facility shall not be deemed a group housekeeping unit, or ASSISTED LIVING FACILITY and a dwelling unit or facility for more

than four (4) persons who do not meet the criteria set forth above or for more than eight (8) handicapped, mentally ill, intellectually disabled or developmentally disabled persons shall be deemed a CONGREGATE LIVING FACILITY.

This amendment shall become effective on October 7, 2015 at 12:01 a.m., with the exception of the change to Sect. 14-700, above, which shall become effective in conjunction with the Board of Supervisors' adoption of the corresponding changes to the Noise Ordinance.

GIVEN under my hand this 6th day of October, 2015.

CATHERINE A. CHIANESE
Clerk to the Board of Supervisors