

**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, June 21, 2016, 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, as follows:**

**Amend Part 4, Qualifying Lot and Yard Regulations, Sect. 2-418 Waiver of Yard Requirements in Selective Areas, to read as follows:**

**Reduction of Yard Requirements in Selective Areas**

Notwithstanding any other provision of this Ordinance and except in a Commercial Revitalization District, the minimum yard requirements and other required distances from lot lines set forth in this Ordinance may be reduced for developments located in an area where specific design guidelines have been established in the adopted comprehensive plan, such as in Community Business Centers, Commercial Revitalization Areas and Transit Station Areas, in accordance with such recommendations. Such reduced yards or other required distances

from lot lines may be approved by the Board, in conjunction with the approval of a rezoning or special exception, or by the Director in approving a site plan, when it is determined that such reduction is in accordance with, and would further implementation of, the adopted comprehensive plan. Yard requirements in a Commercial Revitalization District and any allowable reductions thereof, shall be in accordance with the provisions of that district.

**Amend Part 5, Qualifying Use, Structure Regulations, Sect. 2-505, Use Limitations on Corner Lots, by adding a new Par. 2 as follows:**

2. Notwithstanding the above, the Board, in conjunction with the approval of a rezoning or special exception application, may modify the sight distance requirements on a corner lot based upon an evaluation of the specific development proposal which shall consider the demonstrated compliance with sight distance requirements of the Virginia Department of Transportation and a specific sight distance analysis and/or any other relevant design guidelines that would demonstrate safe and adequate vehicular, bicycle and/or pedestrian movements at an intersection.

**Amend Article 6, Planned Development Districts, as follows:**

**Amend Part 2, Planned Development Commercial District, as follows:**

**Amend Sect. 6-201, Purpose and Intent, as follows:**

The PDC District is established to encourage the innovative and creative design of commercial development. The district regulations are designed to accommodate preferred high density/intensity land uses which could produce detrimental effects on neighboring properties if not consistent with the recommendations of the adopted comprehensive plan and not strictly controlled as to location and design. The district regulations are further intended to insure high standards in the mix of uses, lay-out, design and construction of commercial developments; to include unique design elements and amenities; to encourage lot consolidation and the use of Transportation Demand Management techniques; and otherwise to implement the stated purpose and intent of this Ordinance.

To these ends, rezoning to and development under this district will be permitted only in accordance with a development plan prepared and approved in accordance with the provisions of Article 16.

**Amend Sect. 6-203, Secondary Uses Permitted, by adding a new Par. 4D and relettering the subsequent paragraphs accordingly, as follows:**

4. Commercial and industrial uses of special impact (Category 5), limited to:
  - D. Commercial Recreation Restaurants, limited by the provisions of Sect. 9-506

**Amend Sect. 6-206, Use Limitations, by revising Paragraphs 9, 10 and 11 and by adding a new Par. 16, as follows:**

9. Notwithstanding the provisions of Par. 5 and 6 above, independent living facilities and/or medical care facilities limited to assisted living facilities and/or nursing facilities as secondary uses need not be designed to serve primarily the needs of the residents and occupants of the planned development in which located but shall be designed so as to complement, maintain and protect the character of the planned development and the adjacent properties. The gross floor area devoted to independent living facilities and/or medical care facilities limited to assisted living facilities and/or nursing facilities as secondary uses shall not exceed fifty (50) percent of the gross floor area of all uses in the development.
10. Fast food restaurants shall be permitted only in accordance with the following:
  - A. Fast food restaurants may be permitted as a secondary use when shown on an approved final development plan, and provided such use is located in a structure containing at least one (1) other permitted principal or secondary use, in accordance with the following:
    - (1) Such fast food restaurants shall be oriented to cater primarily to occupants and/or employees in the structure in which located, or of that structure and adjacent structures in the same building complex which are accessible via a clearly designated pedestrian circulation system; and
    - (2) Such use(s) shall comprise not more than fifteen (15) percent of the approved gross floor area of the planned development.
    - (3) No drive-through facilities shall be permitted when such fast food restaurant is located in a building with any residential uses.
  - B. Fast food restaurants not permitted under the provisions of Par. A above may be permitted as a secondary use by special exception, in accordance with the following:
    - (1) The structure containing the fast food restaurant shall be designed as an integral component of a building complex, and shall be reviewed for compatibility with the approved PDC development; and
    - (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.

11. Kennels and veterinary hospitals shall be located within a completely enclosed building which is adequately soundproofed and constructed so that there will be no emission of odor or noise detrimental to other property in the area.
  
16. Off-street parking and loading facilities and private streets shall be provided in conformance with the provisions of Article 11, to include any possible parking reductions or alternate locations set forth in Sect. 11-102. Any such parking reduction may be approved by the Board as part of a rezoning and/or special exception when it is demonstrated by the applicant and determined by the Board that any such reduction(s) is/are in furtherance of the recommendations of the adopted comprehensive plan. It is intended that a substantial portion of the required parking should be provided in above and/or below grade parking structures.

**Amend Sect. 6-207, Lot Size Requirements, by revising Par. 1C, 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, Commercial Revitalization Area or Transit Station Area 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 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 specific urban design plans in the comprehensive plan for the area and for safe and convenient pedestrian, bicycle and vehicular movement and access.

**Amend Sect. 6-208, Bulk Regulations, by revising Par. 3 and adding a new Par. 4 to read as follows:**

3. Maximum floor area ratio: 2.5. However, the Board may approve an increase up to 5.0 for developments located in a Commercial Revitalization District, Community Business Center Area and/or Transit Station Area only when the proposed development is implementing the site specific density/intensity and other recommendations in the adopted comprehensive plan, in furtherance of the purpose and intent of this district; except that in the McLean Commercial Revitalization District and Community Business Center the Board may approve an increase in the maximum floor area ratio to 3.0 when the proposed development is implementing the site specific density/intensity and other recommendations in the adopted comprehensive plan.

The maximum floor area ratio permitted by this Part shall exclude the floor area for affordable and bonus market rate dwelling units provided in accordance with Part 8 of Article 2 and the floor area for proffered bonus market rate units and/or bonus floor area, any of which is associated with the provision of workforce dwelling units, as applicable.

4. Notwithstanding the definition of gross floor area, any cellar space shall be counted as part of the gross floor area and shall be included in the calculation of the floor area ratio for any rezoning to the PDC District approved by the Board after June 21, 2016, except when such cellar space:
  - A. has a structural headroom of less than six (6) feet, six (6) inches and is specifically identified for mechanical equipment; or
  - B. is specifically identified for storage and/or other uses that are accessory to the principal uses in the building; or
  - C. is specifically identified as a loading space, including any associated travel way providing access to the space, as well as the loading dock utilized for the temporary loading and unloading of goods; or
  - D. is specifically identified to house an unmanned datacenter or other similar telecommunication or electronic equipment.

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

**Amend Sect. 6-401, Purpose and Intent, as follows:**

The PRM District is established to provide for high density, multiple family residential development, generally with a minimum density of 40 dwelling units per acre; for mixed use development consisting primarily of multiple family residential development, generally with a density of at least twenty (20) dwelling units per acre, with secondary office and/or other commercial uses. PRM Districts should be located in those limited areas where such high density residential or residential mixed use development is in accordance with the adopted comprehensive plan such as within areas delineated as Transit Station Areas, Community Business Centers, Commercial Revitalization Areas and Urban and Suburban Centers as well as developments located in Commercial Revitalization Districts. The PRM District regulations are designed to promote high standards in design and layout, to encourage compatibility among uses within the development and integration with adjacent developments, to encourage the use of Transportation Demand Management techniques, and to otherwise implement the stated purpose and intent of this Ordinance and the recommendations of the comprehensive plan.

To these ends, rezoning to and development under this district will be permitted only in accordance with development plans prepared and approved in accordance with the provisions of Article 16.

**Amend Sect. 6-403, Secondary Uses Permitted, by adding a new Par. 5A and relettering the subsequent subparagraphs accordingly, and by adding new Paragraphs 13 and 23 and renumbering the subsequent paragraphs accordingly, as follows:**

5. Commercial and industrial uses of special impact (Category 5), limited to:

A. Commercial recreation restaurants, limited by the provisions of Sect. 9-506

13. Kennels, limited by the provisions of Sect. 406 below.

23. Veterinary hospitals, limited by the provisions of Sect. 406 below.

**Amend Sect. 6-406, Use Limitations by revising Par. 9 and adding new Par. 13 to read as follows:**

9. Off-street parking and loading facilities and private streets shall be provided in conformance with the provisions of Article 11, to include any possible parking reductions or alternate locations as may be permitted in Sect. 11-102. Any such parking reduction may be approved by the Board as part of a rezoning and/or special exception when it is demonstrated by the applicant and determined by the Board that any such reduction(s) meets all the applicable requirements of Sect. 11-102 and is/are in furtherance of the recommendations of the adopted comprehensive plan. It is intended that a substantial portion of the required parking should be provided in above and/or below grade parking structures.

13. Kennels and veterinary hospitals shall be located within a completely enclosed building

which is adequately soundproofed and constructed so that there will be no emission of odor or noise detrimental to other property in the area.

**Amend Sect. 6-408, Bulk Regulations, by revising Par. 2 and adding a new Par. 3, to read as follows:**

2. Maximum floor area ratio: 3.0. However, except in the McLean Commercial Revitalization District and Community Business Center, the Board may approve an increase up to 5.0 for developments located in a Commercial Revitalization District, Community Business Center Area and/or Transit Station Area only when the proposed development is implementing the site specific density/intensity and other recommendations in the adopted comprehensive plan, in furtherance of the purpose and intent of this district.

The maximum floor area ratio permitted by this Part shall exclude the floor area for affordable and bonus market rate units provided in accordance with Part 8 of Article 2 and the floor area for proffered bonus market rate units and/or bonus floor area, any of which is associated with the provision of workforce dwelling units, as applicable.

3. Notwithstanding the definition of gross floor area, any cellar space shall be counted as part of the gross floor area and shall be included in the calculation of the floor area ratio for any rezoning to the PRM District approved by the Board after June 21, 2016, except when such cellar space:
  - A. has a structural headroom of less than six (6) feet, six (6) inches and is specifically identified for mechanical equipment; or
  - B. is specifically identified for storage and/or other uses that are accessory to the principal uses in the building; or
  - C. is specifically identified as a loading space, including any associated travel way providing access to the space, as well as the loading dock utilized for the temporary loading and unloading of goods; or
  - D. is specifically identified to house an unmanned datacenter or other similar telecommunication or electronic equipment.

**Amend Sect. 6-409, Open Space, by revising Par. 1 to read as follows:**

1. Not less than 20% of the gross area shall be landscaped open space, unless modified by the Board in accordance with the provisions of Sect. 9-612. Not more than one-half (1/2) of the minimum required landscaped open space shall be permitted above the street level, unless otherwise modified by the Board upon specific request.

**Amend Part 5, Planned Tysons Corner Urban District, by amending Par. 5 of Sect. 6-505, Use Limitations, as follows:**

5. Notwithstanding the definition of gross floor area, any cellar space shall be counted as part of the gross floor area and shall be included in the calculation of the floor area ratio, except that space used for mechanical equipment with structural headroom of less than six (6) feet, six (6) inches; and that area that is specifically identified and used for storage and/or for accessory uses and/or is specifically identified as a loading space, including any associated travel way providing access to the space, as well as the loading dock utilized for the temporary loading and unloading of goods; and that area specifically identified and used for primarily an unmanned datacenter or other similar mechanical, telecommunication or electronic equipment.

**Amend Article 9, Special Exceptions, Part 5, Commercial and Industrial Uses of Special Impact, as follows:**

**Amend Sect. 9-506, Additional Standards for Commercial Recreation Restaurants, by deleting Par. 2 and renumbering subsequent paragraphs accordingly.**

**Amend Sect. 9-518, Additional Standards for Vehicle Sale, Rental and Ancillary Service Establishments, by amending Par.7 and adding a new Par. 9, as follows:**

7. In the C-3, C-4, I-3, I-4, I-5, and PRC Districts, only vehicle rental establishments may be allowed and such use shall be subject to Paragraphs 1 through 6 above and the following:
  - A. Vehicle rental establishments shall be limited to the rental of automobiles and passenger vans and the rental of trucks or other vehicles shall not be permitted.
  - B. There may be a maximum of twenty-five (25) rental vehicles stored on site and such vehicles shall be stored in a portion of the parking lot designated on the special exception plat for the storage of rental vehicles.
  - C. There shall be no maintenance or refueling of the rental vehicles on-site.
9. In the PDC and PRM Districts, vehicle sale, rental and ancillary service establishments shall only be permitted when specifically identified on an approved final development plan and provided there shall be no outside display or storage of vehicles. All vehicle display or storage shall occur within an enclosed building or parking garage and any ancillary service establishment use shall occur within a completely enclosed building.

**Amend Article 11, Off-Street Parking and Loading, Private Streets, Part 1, Off-Street Parking, as follows:**

**Amend Sect. 11-101, Applicability, by amending Par. 1 as follows:**

1. Except as provided for in a Commercial Revitalization District, in any R, C or I district, all structures built and all uses established hereafter shall provide accessory off-street parking in accordance with the following regulations, and in the PDH, PDC, PRC and PRM Districts, the provisions of this Part shall have general application as determined by the Director. However, for the redevelopment of an existing property that includes the retention of some uses/structures and the elimination of some on-site parking during the redevelopment process, the Board, in conjunction with a rezoning or special exception, or the Director, in conjunction with a site plan, may approve a temporary reduction and/or relocation of the minimum required off-street parking spaces subject to a time limitation and demonstration by the applicant that adequate measures will be taken to ensure the continuation of safe and adequate utilization of the property.

In the PTC District off-street parking shall be provided in accordance with Sect. 6-509, and Sect. 11-102 below shall have general application as determined by the Director. Additionally, subject to the approval of a parking redesignation plan pursuant to Par. 12 of Sect. 11-102, for an existing use located in the Tysons Corner Urban Center but not in the PTC District an owner may voluntarily elect to reduce the number of off-street parking spaces required pursuant to Sections 11-103, 11-104, 11-105 and 11-106 for the site to a number between what is currently approved for the site and the applicable minimum parking rate specified for the PTC District. However, this voluntary parking reduction is not an option if the currently approved number of parking spaces on the site is specified by a special permit, special exception or proffered condition.

**Amend Sect. 11-102, General Provisions, by revising Par. 5, as follows:**

5. Subject to conditions it deems appropriate, the Board may reduce the number of off-street parking spaces otherwise required by the strict application of the provisions of this Part when a proposed development is within reasonable walking distance to:
  - A. a mass transit station and/or within an area designated in the adopted comprehensive plan as a Transit Station Area wherein the station either exists or is programmed for completion within the same time frame as the completion of the subject development; or
  - B. an existing transportation facility consisting of a streetcar, bus rapid transit, or express bus service or wherein such facility is programmed for completion within the same timeframe as the completion of the subject development and will provide high-frequency service; or
  - C. a bus stop when service to this stop consists of more than three routes and at least one route serves a mass transit station or transportation facility and provides high-frequency service.

Such reduction may be approved when the applicant has demonstrated to the Board's satisfaction that the spaces proposed to be eliminated are unnecessary based on the projected reduction in the parking demand resulting from the proximity of the mass transit station or transportation facility or bus service and such reduction in parking spaces will not adversely affect the site or the adjacent area, including potential impacts on existing overflow parking in nearby neighborhoods. For the purposes of this provision, a determination regarding the completion time frame for a mass transit station or transportation facility shall include an assessment of the funding status for the transportation project.

**Amend Article 13, Landscaping and Screening, Part 3, Transitional Screening and Barriers, by revising Par. 11 of Sect. 305, Transitional Screening and Barrier Waivers and Modifications, as follows:**

11. Transitional screening and barriers may be waived or modified where the subject property abuts a railroad, interstate highway right-of-way, the right-of-way of the Dulles International Airport Access Highway or the combined Dulles International Airport Access Highway and Dulles Toll Road.

**Amend Article 16, Development Plans,**

**Amend Part 1, Standards for All Planned Developments, by revising Par. 1 of Sect. 16-102, Design Standards, as follows:**

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

1. In order to complement development on adjacent properties, at all peripheral boundaries of the PDH, PRM, PDC, and PRC Districts the bulk regulations and landscaping and screening provisions shall generally conform to the provisions of that conventional zoning district which most closely characterizes the particular type of development under consideration. In a rezoning application to the PDC or PRM District that is located in a Commercial Revitalization District or in an area that is designated as a Community Business Center, Commercial Revitalization Area or Transit Station Area in the adopted comprehensive plan, this provision shall have general applicability and only apply at the periphery of the Commercial Revitalization District, Community Business Center, Commercial Revitalization Area, or Transit Station Area, as necessary to achieve the objectives of the comprehensive plan. In the PTC District, such provisions shall only have general applicability and only at the periphery of the Tysons Corner Urban Center, as designated in the adopted comprehensive plan.

**Amend Part 4, Procedures for Review and Approval of All P Districts Except the PRC District, by revising Par. 8 of Sect. 16-401, Conceptual Development Plan Approval, as follows:**

8. In approving a conceptual development plan, the Board may authorize a modification of 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 modification would promote and comply with the standards set forth in Part 1 above.

In no case, however, shall the maximum density provisions under the PDH District and the maximum floor area ratio provisions under the PDC, PRM and PTC Districts be modified.

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

**Amend Sect 16-501, Conceptual Development Plan, by amending Paragraphs 1A(22), 2A(21), as follows:**

1. For a rezoning to the PDH, PDC and PRM Districts, the following shall accompany such application:
  - A. A plan, at a scale of not less than one inch equals one hundred feet (1" = 100'), showing:
    - (22) A statement that the proposed development conforms to the provisions of all applicable ordinances, regulations and adopted standards, or, if any waiver or modification is sought by the applicant, such shall be specifically noted with the justification for such request.

If the proposal includes the request for a waiver of the yard regulations for yards abutting certain principal arterial highways and railroad tracks pursuant to Sect. 2-414, a study showing projected noise impacts, proposed mitigation measures and effectiveness of such measures shall be submitted.
2. For a rezoning to the PTC District, the following shall accompany such application:
  - A. A plan, at a scale of not less than one inch equals one hundred feet (1" = 100'), showing:

- (21) A statement that the proposed development conforms to the provisions of all applicable ordinances, regulations and adopted standards, or, if any waiver or modification is sought by the applicant, such shall be specifically noted with the justification for such request.

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

**Amend Sect 16-502, Final Development Plan, by amending Paragraphs 1F and 2E, as follows:**

1. For a rezoning to the PDH, PDC and PRM Districts, the following shall accompany such application:
  - F. A statement that the proposed development conforms to the provisions of all applicable ordinances, regulations and adopted standards, or, if any waiver or modification is sought by the applicant, such shall be specifically noted with the justification for such request.
2. For a rezoning to the PTC District, the following shall accompany such application:
  - E. A statement that the proposed development conforms to the provisions of all applicable ordinances, regulations and adopted standards, or, if any waiver or modification is sought by the applicant, such shall be specifically noted with the justification for such request.

**Amend Appendix 7, Commercial Revitalization Districts, as follows:**

**Amend Par. 3A of Sections A7-109, A7-209, A7-309 and A7-509, Additional Provisions, as follows:**

3. The off-street parking, loading and private street requirements of Article 11 shall apply, except as set forth below:
  - A. The minimum off-street parking requirements for any non-residential uses may be reduced by up to twenty (20) percent by the Board when it is demonstrated by the applicant and determined by the Board that such reduction is in furtherance of the goals of the Commercial Revitalization District as set forth in the adopted comprehensive plan. Such request may also be considered in conjunction with a rezoning and/or special exception application. The fee for a parking reduction set forth in Sect. 17-109 shall not be applicable.

For a mixed-use development in a PDC or PRM District, the minimum off-street parking requirements for residential and non-residential uses may be reduced by the

Board in accordance with Article 11 and when it is demonstrated by the applicant and determined by the Board that such reduction is in furtherance of the recommendations of the adopted comprehensive plan for the area and that such reduction will not adversely affect the site or the adjacent area.

**Amend Par. 3A of Sect. A7-409, Additional Provisions, as follows:**

3. The off-street parking, loading and private street requirements of Article 11 shall apply, except as set forth below:

A. Notwithstanding the provisions of Article 11, the minimum off-street parking requirements for all non-residential uses shall be reduced by twenty (20) percent.

For a mixed-use development in a PDC or PRM District, the minimum off-street parking requirements for residential and non-residential uses may be reduced by the Board in accordance with Article 11 and when it is demonstrated by the applicant and determined by the Board that such reduction is in furtherance of the recommendations of the adopted comprehensive plan for the area and that such reduction will not adversely affect the site or the adjacent area.

**This amendment shall become effective on June 22, 2016, at 12:01 a.m.**

**GIVEN under my hand this 21<sup>st</sup> day of June, 2016.**



---

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