

**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 18, 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 Article 4, Commercial District Regulations, as follows:**

- **Amend Part 1, C-1 Low Rise Office Transitional District, Sect. 4-102, Permitted Uses, by revising Par. 5 to read as follows:**
  - 5. Nursery schools and child care centers, limited by the provisions of Sect. 105 below.
- **Amend Part 2, C-2 Limited Office District, Sect. 4-202, Permitted Uses, by revising Par. 5 to read as follows:**
  - 5. Nursery schools and child care centers, limited by the provisions of Sect. 205 below.
- **Amend Part 3, C-3 Office District, Sect. 4-302, Permitted Uses, by revising Par. 11 to read as follows:**
  - 11. Nursery schools and child care centers, limited by the provisions of Sect. 305 below.
- **Amend Part 4, C-4 High Intensity Office District, Sect. 4-402, Permitted Uses, by revising Par. 12 to read as follows:**
  - 12. Nursery schools and child care centers, limited by the provisions of Sect. 405 below.
- **Amend Part 5, C-5 Neighborhood Retail Commercial District, Sect. 4-502, Permitted Uses, by revising Par. 29 to read as follows:**
  - 29. Veterinary hospitals, limited by the provisions of Sect. 505 below.
- **Amend Part 6, C-6 Community Retail Commercial District, Sect. 4-602, Permitted Uses, by revising Par. 35 to read as follows:**
  - 35. Veterinary hospitals, limited by the provisions of Sect. 605 below.
- **Amend Part 7, C-7 Regional Retail Commercial District, Sect. 4-702, Permitted Uses, by revising Par. 41 to read as follows:**
  - 41. Veterinary hospitals, limited by the provisions of Sect. 705 below.
- **Amend Part 8, C-8 Highway Commercial District, Sect. 4-802, Permitted Uses, by revising Par. 42 to read as follows:**
  - 42. Veterinary hospitals, limited by the provisions of Sect. 805 below.

- **Amend Part 9, C-9 Super-Regional Retail Commercial District, Sect. 4-902, Permitted Uses, by revising Par. 29 to read as follows:**

29. Veterinary hospitals, limited by the provisions of Sect. 905 below.

**Amend Article 8, Special Permits, as follows:**

- **Amend Part 0, General Provisions, Sect. 8-011, Submission Requirements, Par. 1 and 7, to read as follows:**

**8-011 Submission Requirements**

1. One (1) original application on forms provided by the County, completed and signed by the applicant.
7. A notarized statement which confirms the ownership of the subject property, and the nature of the applicant's interest in the same. If the applicant is not the owner of the property involved in the application, evidence must be submitted showing that the applicant will have the right to use the property as proposed. For a condominium, the provisions of Sect. 2-518 shall be applicable.

- **Amend Part 3, Group 3 Institutional Uses, Sect. 8-305, Additional Standards for Home Child Care Facilities, by revising Par. 4, adding a new Par. 5, and renumbering the existing Par. 5, all to read as follows:**

**8-305 Additional Standards for Home Child Care Facilities**

4. Notwithstanding Par. 2 of Sect. 011 above, all applications shall be accompanied by fifteen (15) copies of a plat and such plat shall be presented on a sheet having a maximum size of 24" x 36", and, in addition to the 15 copies, one 8 ½" x 11" reduction of the plat. Such plat shall be drawn to a designated scale of not less than one inch equals fifty feet (1" = 50'), unless a smaller scale is required to accommodate the development. Such plat shall be certified by a professional engineer, land surveyor, architect, or landscape architect licensed by the State of Virginia. Such plat shall contain the following information:
  - A. The dimensions, boundary lines and area of the lot or parcel.
  - B. The location, dimensions and height of any building, structure or addition, whether existing or proposed.
  - C. The distance from all property lines to the existing or proposed building, structure or addition, shown to the nearest foot.

E. Seal and signature of the licensed professional certifying the plat.

5. All applications shall be accompanied by a dimensioned floor plan identifying all rooms and/or facilities to be used in conjunction with the home child care facility, including gross floor area, and points of ingress and egress from the dwelling. In addition, and notwithstanding Par. 4 of Sect. 011 above, the dimensioned floor plan shall also be accompanied by corresponding digital photographs of those rooms and/or facilities used in conjunctions with the home child care facility. The photographs shall be clearly dated and labeled as to their subject matter.

6. All such uses shall be subject to the regulations of Chapter 30 of The Code or Title 63.2, Chapter 17 of the Code of Virginia.

- **Amend Part 9, Group 9 Uses Requiring Special Regulation, Sect. 8-907, Additional Standards for Home Professional Offices, by replacing existing Par. 5 with the following:**

**8-907 Additional Standards for Home Professional Offices**

5. All applications shall be accompanied by a dimensioned floor plan depicting the internal layout of the residence, including identification and corresponding gross floor area of all rooms and/or facilities to be used in conjunction with the home professional office, and ingress and egress from the dwelling. In addition, and notwithstanding Par. 4 of Sect. 011 above, the dimensioned floor plan shall also be accompanied by corresponding digital photographs of those rooms and/or facilities used in conjunctions with the home professional office. The photographs shall be clearly dated and labeled as to their subject matter.

- **Amend Part 9, Group 9 Uses Requiring Special Regulation, Sect. 8-918, Additional Standards for Accessory Dwelling Units, by revising Par. 2, replacing Par. 13 and adding a new Par. 14, as follows:**

**8-918 Additional Standards for Accessory Dwelling Units**

2. Except on lots two (2) acres or larger, an accessory dwelling unit shall be located within the structure of a single family detached dwelling unit. Any external entrances for the accessory dwelling unit shall be located on the side or rear of the structure, unless an alternative location is approved by the BZA.

On lots two (2) acres or greater in area, an accessory dwelling unit may be located within the structure of a single family detached dwelling unit or within a freestanding accessory structure.

13. Notwithstanding Par. 2 of Sect. 011 above, all applications shall be accompanied by fifteen (15) copies of a plat and such plat shall be presented on a sheet having a maximum size of 24" x 36", and, in addition to the 15 copies, one 8 ½" x 11" reduction of the plat. Such plat shall be drawn to a designated scale of not less than one inch equals fifty feet (1" = 50'), unless a smaller scale is required to accommodate the development. Such plat shall be certified by a professional engineer, land surveyor, architect, or landscape architect licensed by the State of Virginia. Such plat shall contain the following information:
  - A. Boundaries of entire property, with bearings and distances of the perimeter property lines, and of each zoning district.
  - B. Total area of the property and of each zoning district in square feet or acres.
  - C. Scale and north arrow, with north, to the extent feasible, oriented to the top of the plat and on all supporting graphics.
  - D. The location, dimension and height of any building or structure, to include existing or proposed fences and/or walls and, if known, the construction date(s) of all existing structures.
  - E. All required minimum yards to include front, side and rear, a graphic depiction of the angle of bulk plane, if applicable, and the distances from all existing and/or proposed structures to lot lines.
  - F. Means of ingress and egress to the property from a public street(s).
  - G. The location of a well and/or septic field, or indication that the property is served by public water and/or sewer.
  - H. 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.
  - I. Seal and signature of the licensed professional person certifying the plat.
14. All applications shall be accompanied by a dimensioned floor plan depicting the internal layout and gross floor area of both the principal and accessory dwelling unit, with the use of each room and points of ingress and egress to the dwellings clearly labeled. The gross floor area calculation shall include the limitation set forth in Par. 3 above. In addition, and notwithstanding Par. 4 of Sect. 011 above, the dimensioned floor plan shall also be accompanied by corresponding digital photographs, which shall be clearly dated and labeled as to their subject matter.

**Amend Article 18, Administration, Amendments, Violations and Penalties, Part 4, Variances, Sect. 18-404, Required Standards for Variances, to read as follows:**

In furtherance of the requirements of §15.2-2309 of the Code of Virginia, to grant a variance, the BZA shall make specific findings based on the evidence before it that the application satisfies all of the following enumerated requirements:

1. That the property interest in the subject property for which the variance is being requested was acquired in good faith, and the applicant did not create any hardship for which relief is sought.
2. That the condition or situation of the subject property or the intended use of the subject property is not of so general or recurring a nature as to make reasonably practicable the formulation of a general regulation to be adopted by the Board of Supervisors as an amendment to the Zoning Ordinance.
3. That the strict application of this Ordinance would unreasonably restrict the utilization of the subject property, or the granting of the variance would alleviate a hardship due to a physical condition relating to the subject property or improvements thereon at the time of the effective date of the Ordinance.
4. That such unreasonable restriction or hardship is not shared generally by other properties in the same zoning district and the same vicinity.
5. That the granting of the variance will not be of substantial detriment to adjacent property.
6. That the variance will be in harmony with the purposes of this Ordinance and will not be contrary to the public interest.

**Amend Article 19, Boards, Commissions, Committees, Part 2, Board of Zoning Appeals, Sect. 19-209, Powers and Duties, by revising Par. 2 to read as follows:**

2. To authorize upon application in specific cases such variance from the terms of this Ordinance as will not be contrary to the public interest, when owing to special conditions, a literal enforcement of the provisions will unreasonably restrict the utilization of the subject property; provided that the purpose of the Ordinance shall be observed, all as provided in Part 4 of Article 18.

**Amend Article 20, Ordinance Structure, Interpretations and Definitions, Part 3, 20-300, Definitions, by revising the following definitions to read as follows:**

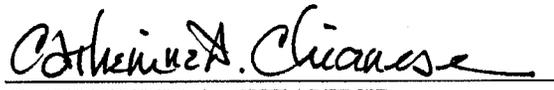
PUBLIC USE: Any area, building or structure held, used or controlled exclusively for public purposes by any department or branch of the Federal Government, Commonwealth

of Virginia, or the Fairfax County government under the direct authority of the Board of Supervisors, the Fairfax County School Board or Fairfax County Park Authority, without reference to the ownership of the building or structures or the realty upon which it is situated. For the purpose of this Ordinance, uses sponsored or operated by other counties, cities or towns within the Commonwealth of Virginia or agencies such as the Fairfax County Water Authority, Social Services Board, Redevelopment and Housing Authority, Economic Development Authority, Juvenile Court and Fairfax-Falls Church Community Services Board shall not be deemed public uses and shall be subject to the applicable Zoning Ordinance provisions for the proposed use; provided, however, if such uses are implemented under the direct authority of the Fairfax County Board of Supervisors, they shall be deemed public uses.

**SCHOOL OF GENERAL EDUCATION:** Any parochial or private school, boarding school, or academy, including a school for the intellectually or physically disabled, that provides regular instruction at least five (5) days a week, except holidays, for a normal school year of not less than seven (7) months, but not including (a) a school of special education as defined herein; or (b) a child care center or home child care facility unless conducted as part of a school of general education; or (c) a riding school, however designated. For purposes of this Ordinance, a school of general education shall include a public school operated by other counties, cities or towns within the Commonwealth of Virginia.

**This amendment shall become effective on October 19, 2016, at 12:01 a.m.**

**GIVEN under my hand this 18<sup>th</sup> day of October, 2016.**

  
CATHERINE A. CHIANESE  
Clerk to the Board of Supervisors