

## **1978 ZONING ORDINANCE AMENDMENT INDEX** **WITH GRANDFATHERING PROVISIONS**

The following index contains a listing of all amendments to the current Zoning Ordinance that have been adopted by the Board of Supervisors since the effective date of the Ordinance on August 14, 1978. This listing contains a brief summary of each amendment and should not be construed as being a complete summary. The index also contains the adoption date of each amendment and the effective date of most amendments. More detailed information on any amendment may be obtained by contacting the Zoning Administration Division of the Department of Planning and Zoning at (703) 324-1314.

**ADOPTION OF ORDINANCE** - The Zoning Ordinance was adopted on June 12, 1978 and became effective on August 14, 1978 with grandfather provisions.

The following grandfather provisions apply to Sect. 2-103 of the Zoning Ordinance (Chapter 112 of the Code of the County of Fairfax), as adopted and amended on August 14, 1978 and also apply to the Subdivision Ordinance (Chapter 101) and the Public Facilities Manual as follows:

### **Grandfather Provisions**

Amendments to the Subdivision Ordinance (Chapter 101 of the Code of the County of Fairfax), the Zoning Ordinance (Chapter 112), and the Public Facilities Manual shall become effective upon adoption unless otherwise specified; provided however, that unless otherwise specified, the following will be grandfathered for the features shown thereon under prior ordinance and provisions so long as the due diligence standards set forth below are met:

- a) an approved preliminary subdivision plat or bona fide preliminary plat submitted and accepted for at least sixty (60) days;
- b) an approved final subdivision plat;
- c) a bona fide public facility construction plan submitted and accepted for review;
- d) a bona fide site plan submitted and accepted for review;
- e) an approved grading plan;
- f) provisions of an approved special exception or special permit; provided however, that amended provisions shall govern to the extent that they do not preclude the use and the approved features; and
- g) approved site plan waivers and exceptions and subdivision waivers.

### **Due Diligence Standards**

Grandfather status shall be retained only as long as the following deadlines are met:

1. Subdivision construction plans, submitted pursuant to an approved preliminary plat, shall be filed within twelve (12) months of preliminary plat approval. If corrections are deemed necessary by the reviewing authority, revised plans shall be filed within six (6) months of return to the developer or his authorized agent; provided however, that the Director may extend the time period when due diligence has been evidenced but a problem beyond the developer's control prevented correction and resubmission. A resubmission necessitated solely by a previously noted correction shall not extend the time limitations. The first section of a preliminary plat to be developed as a multi-section project showing more than one section shall meet these requirements. Additional sections shall be filed for review within at least twenty-four (24)- month intervals; provided however, that all sections must be of record within five (5) years of the original date of preliminary plat approval unless an extension is granted by the Board of Supervisors.

Executed agreements and bonds, escrows, easements and fees shall be submitted within six (6) months of the date of transmission of the permit package to the developer; provided

however, that any easement which the Board of Supervisors has agreed to condemn shall extend this time frame for easement acquisition only.

2. Final plats shall be filed for review within ten (10) months of approval of the subdivision construction plans and recorded within three (3) months of approval of the final plat. Final plats for subdivisions not requiring construction plans shall be filed within ten (10) months of preliminary plat approval and recorded within three (3) months of approval of the final plat.\* If corrections are deemed necessary by the reviewing authority, a revised plat shall be filed within two (2) months of its return to the developer or his authorized agent; provided however that the Director may extend the time period when due diligence has been evidenced but a problem beyond the developer's control has prevented correction and resubmission.
3. If corrections are deemed necessary by the reviewing authority to a bona fide site plan submitted and accepted, a revised site plan shall be submitted within six (6) months of its return to the developer or his authorized agent; provided however, that the Director may extend the time period when due diligence has been evidenced but a problem beyond the developer's control has prevented correction and resubmission. A return necessitated solely by a previously noted correction shall not extend the time limitations.\*\* Executed agreements and bonds, escrows, easements and fees shall be submitted within six (6) months of the date of transmission of the permit package to the developer; provided however, that any easement which the Board of Supervisors has agreed to condemn shall extend this time frame for easement acquisition only.
4. Building permits under an approved site plan must be obtained within the life of the site plan. Building permit applications or a request for extension of the site plan must be filed within eleven (11) months of the original site plan approval. If a site plan extension is granted, building permit applications must be filed at least one (1) month before it expires. Within a multi-phase site plan, building permit applications for subsequent phases shall be filed for review at least twenty-four (24) month intervals; provided however, that all building permits for all phases shall be obtained within five (5) years of the original site plan approval unless an extension is granted by the Board of Supervisors.
5. Construction shall begin within six (6) months of building permit issuance or authorized extension thereof.
6. Approved site plan or subdivision waivers and exceptions shall become void after twelve (12) months unless the appropriate subdivision plan, plat, site plan, grading plan, building permit or non-residential use permit has been approved.

\* Preliminary subdivision plat approval may be extended when construction plans and final plats have been submitted and are proceeding in accordance with Paragraphs 1 and 2.

\*\* These grandfather provisions do not affect any procedure or time limitation for the acquisition or retention of rights for sewer capacity which procedures and rights are governed by other policies, regulations and/or ordinance of the County.

- ZO-78-1 SPECIAL EXCEPTION USES/COMMERCIAL DISTRICT REGULATIONS** – Removed the special exception requirement for certain automobile related uses in the C and I districts. **Adopted 06/26/78**
- EMERG. GROUP HOMES** – **Adopted 10/02/78**
- ZO-78-2 LANDSCAPING & SCREENING** – Revised requirements for the location of barriers, and provisions under which transitional screening and barrier requirements may be modified or waived. **Adopted 10/02/78**
- EMERG. NOTICE REQUIRED FOR PUBLIC HEARINGS** – **Adopted 10/10/78**
- ZO-78-3 VEHICLES, COMMERCIAL** – Defined commercial vehicles and regulated the number of commercial vehicles allowed to park in R districts. **Adopted 10/30/78**
- ZO-78-4 HEAVY EQUIPMENT** – Revised the term and definition of Heavy Equipment Sale, Service and Rental Establishment and the definition of Vehicle Sale, Rental, and Ancillary Service Establishment. **Adopted 11/20/78**
- ZO-78-5 NOTIFICATION AND POSTING** – Exempted Planning Commission and Board’s Own Motions which involve more than 25 parcels of land from the requirement for posting and written notice to adjacent property owners. **Adopted 11/20/78**
- ZO-78-6 HIGHWAY CORRIDOR OVERLAY DISTRICT** – Revised the Highway Corridor Overlay District. **Adopted 11/27/78**
- ZO-78-7 GROUP HOMES** – Defined Group Residential Facility and established procedures for reviewing and approving such uses. **Adopted 11/27/78**
- EMERG. ADMINISTRATION** – **Adopted 12/04/78**
- EMERG. RESIDENTIAL USE PERMITS** – Allowed under certain conditions the issuance of a residential use permit or nonresidential use permit prior to completion of required landscaping. **Adopted 12/04/78**
- ZO-79-8 MULTIPLE AMENDMENTS** – Allowed an exception under certain conditions to the requirement that landscaping must be completed prior to occupancy. **Adopted 01/16/79**
- ZO-79-9 MULTIPLE AMENDMENTS** – Made editorial revisions; Deleted minimum district size requirements in the C-5, C-6, C-7, I-3 thru I-6 Districts; Deleted angle of bulk plane for single family attached dwelling units; Reduced yard

requirements for single family attached dwellings in the certain R, C, and I districts. **Adopted 01/16/79**

- ZO-79-10 COVENANTS, 25 TO 20 YEARS** – Revised the life span for covenants from 25 to 20 years. **Adopted 03/05/79**
- ZO-79-11 YARD REDUCTIONS, FRONT/SIDE** – Deleted provisions pertaining to reductions in front or side yard requirements creating uniformity in minimum front and side yard requirements in all R districts, existing or proposed. **Adopted 03/19/79**
- ZO-79-11 VETERINARY CLINICS, SP USE** – Allowed veterinary clinics as a Group 9 special permit use in the R-A thru R-1 Districts. **Adopted 03/19/79**
- ZO-79-12 YARD REDUCTIONS, SIDE** – Provided that any reduction in the side yard or minimum yard requirement will require a variance from the BZA. **Adopted 04/02/79**
- ZO-79-13 YARD INCREASE, FRONT & SIDE** – Increased the minimum front and side yard requirements for single family detached dwellings in the R-1 thru R-4 Districts. **Adopted 04/09/79**
- ZO-79-14 DWELLING UNIT, DEFINITION** -- Clarified definition of Attached Dwelling Unit, including the means by which such units may be joined. **Adopted 04/09/79**
- ZO-79-15 CHILD CARE** – Made provisions regarding child care facilities consistent with State Code. **Adopted 06/11/79**
- ZO-79-16 BINGO** – Comprehensive revisions for conformance with new State legislation. **Adopted 07/09/79**
- Associated Amendment:** See also amendment to Fairfax County Code Chapter 24, Bingo, Games and Raffles (Instant Bingo) which was simultaneously adopted. (Chapter 24 was repealed by Ordinance #32-27-24 on 10/27/97).
- ZO-79-17 BOWLING ALLEYS** – Permitted bowling alleys as a special permit use in the I-5 and I-6 Districts. **Adopted 07/09/79**
- ZO-79-17 APPEALS** – Revised to make consistent with the State Code. **Adopted 07/09/79**
- ZO-79-17 STAYS** – Revised to make consistent with the State Code. **Adopted 07/09/79**
- ZO-79-17 MEDICAL CARE** – Allowed nursing facilities with 50 beds as a special exception use in the R-E and up Districts. **Adopted 07/09/79**

**ZO-79-18 SIGNS** – Permanent adoption of emergency amendment allowing, during periods of emergency gasoline shortage, additional signs at service stations identifying hours of operation. **Adopted 07/16/79**

**Associated Amendment:** See amendment to Chapter 10 of the Fairfax County Code, Consumer Protection which added new Sect.10-4-4 on gasoline availability flags. This amendment was adopted 6/18/79 and recodified into Sect. 10-4-6.

**ZO-79-19 I-I REGULATIONS, PARKING** – Standardized district requirements for parking and loading spaces which were different from similar uses in other districts. **Adopted 08/01/79**

**ZO-79-20 FUEL STORAGE TANKS** – Allowed motor fuel storage tanks as an accessory use in the C and I districts and in R districts when accessory to a use other than a dwelling. **Adopted 08/01/79**

**Associated Amendment:** See amendment to Chapter 62 of the Fairfax County Code, Fire Protection

**ZO-79-21 DANCE HALLS** – Allowed dance halls as a Group 5 special permit use in the C-6 District. **Adopted 10/15/79**

**ZO-79-21 APPLICATION PROCESSING** – Stipulated that the maximum time period within which a rezoning application must be heard and decided is one year from the date the amendment is filed. **Adopted 10/15/79**

**ZO-79-22 QUICK-SERVICE FOOD STORES** – Revised the definition of a quick-service food store. **Adopted 10/15/79**

**Applicability** - This amendment applies to all submitted site plans that have not received final approval.

**ZO-79-23 PLANT NURSERIES** – Revised the definition and standards regulating plant nurseries as a special exception use in R districts. **Adopted 10/22/79**

**ZO-79-23 CONTRACTOR'S OFFICES** – Revised definition of contractor's offices. **Adopted 10/22/79**

**ZO-79-24 AFFIDAVITS** – Added the requirement for architects, engineers, and planners to be specifically identified on the affidavits for special permit, special exception and rezoning applications. **Adopted 11/19/79; Effective 5/1/80**

**ZO-79-24 COMMERCIAL VEHICLES** – Clarified that no part of a tractor trailer may be parked in a R district. **Adopted 11/19/79; Effective 5/1/80**

- ZO-79-24 GENERAL/CONCEPTUAL DEVELOPMENT PLANS** – Required development plans to be submitted ninety, rather than sixty, days prior to the Planning Commission public hearing date. **Adopted 11/19/79; Effective 5/1/80**
- ZO-80-25 LANDSCAPING WAIVERS** – Allowed the Director to approve exceptions to the requirement that landscaping and screening measures must be installed prior to the issuance of a residential use permit or non-residential use permit. **Adopted 01/28/80**
- ZO-80-25 SIDEWALKS** – Allowed sidewalks adjacent to the street to be built under the same conditions as sidewalks between the front door and the driveway or parking lot. **Adopted 01/28/80**
- ZO-80-25 C DISTRICT REGULATIONS** –Regulated the types of goods that may be stored or displayed outside in the retail C districts. **Adopted 01/28/80**
- ZO-80-26 SPECIAL EXCEPTION USES NOT SHOWN ON FINAL DEVELOPMENT PLAN** – Allowed proposed uses to locate within an already approved and/or established PDH or PDC District with special exception approval in lieu of a development plan amendment. **Adopted 02/25/80**
- ZO-80-27 FLAGS AS SIGNS** – Clarified the definition of a flag in the sign provisions to include only objects comprised of material and flown from a flagpole or staff. **Adopted 03/24/80**
- ZO-80-27 SCHOOLS BY RIGHT IN C DISTRICTS** – Allowed private schools of general education by right in the C-5 thru C8 Districts. **Adopted 03/24/80**
- ZO-80-27 TRANSITIONAL SCREENING FOR SCHOOLS**– Provided for a transitional screening and barrier waiver for public uses. **Adopted 03/24/80**
- ZO-80-28 YARD REGULATIONS FOR PIPESTEM LOTS** – Identified as a ‘front yard’ the yard abutting a pipestem driveway on a lot having frontage on a public street and established a minimum front yard requirement of 25 feet. **Adopted 04/28/80**
- ZO-80-28 INTERIOR PARKING LOT REGULATIONS** – Permitted the Board of Supervisors to waive the parking lot landscaping requirements for interim uses. **Adopted 04/28/80**
- ZO-80-28 FENCES, HEIGHT** – Clarified that the location of fences and walls which surround permitted accessory uses are regulated by the location restrictions for the accessory use. **Adopted 4/28/80**

- ZO-80-29 EATING ESTABLISHMENTS, ACCESS** – Allowed eating establishments and health and exercise facilities as an accessory service use in the I-I District. **Adopted 05/19/80**
- ZO-80-30 VETERINARY HOSPITALS** – Deleted the term ‘veterinary clinic’ and allowed under special permit veterinary hospitals in certain R, C, and I districts. Permitted veterinary hospitals by right in the C-6, C-7, and C-8 Districts. **Adopted 06/02/80**
- ZO-80-31 MINI-WAREHOUSES** – Allowed mini-warehousing establishments be special exception in the C-8 and I-3 Districts. **Adopted 06/23/80**
- ZO-80-32 PUBLIC USES** – Revised the definition of ‘public use’ to include the Fairfax County School Board, Park Authority, and those branches and departments of the Fairfax County government under direct authority of the Board. **Adopted 06/23/80**
- ZO-80-33 POLITICAL CAMPAIGN SIGNS** – Revised provisions regulating temporary political campaign signs. **Adopted 07/21/80**
- ZO-80-34 VARIANCES AND SPECIAL PERMITS** – Revised provisions concerning extensions, renewals and expiration of special permits, special exceptions and variances. **Adopted 07/28/80**
- ZO-80-35 FARMERS MARKET** – Deleted the provisions allowing sales of home crafts and replaced the term “crop-growing season” with the time period of April thru November. **Adopted 07/28/80**
- ZO-80-36 LANGLEY FORK HISTORIC DISTRICT** – Created the Langley Fork Historic Overlay District. **Adopted 07/28/80**
- ZO-80-37 CONVEYANCE OF TITLE** – Clarified the circumstances under which proofs of clear title to dedicated property must be provided. **Adopted 08/04/80**
- ZO-80-38 APPLICATIONS** – Provided that refiling an application for a special permit or special exception be consistent with the process of refiling a rezoning application. **Adopted 10/06/80**
- ZO-80-38 LANDFILLS** - Abolished the Land Restoration Board and transferred responsibilities to staff. **Adopted 10/06/80**
- ZO-80-38 MASSAGE ESTABLISHMENTS; HEALTH CLUBS** – Deleted the term “health club” from the definition of massage establishments and created a separate definition for health club. **Adopted 10/06/80**

- ZO-80-39 ROBEY’S MILL HISTORIC DISTRICT** – Established the Robey’s Mill Historic Overlay District. **Adopted 11/03/80**
- ZO-80-40 MINIMUM LOT WIDTHS** –Allowed by special exception waiver of the minimum lot width requirement for townhouse developments. **Adopted 11/24/80**
- ZO-80-40 SINGLE FAMILY ATTACHED DWELLINGS** –Included garden court developments and patio houses in definition of single family attached dwellings. **Adopted 11/24/80**
- ZO-80-41 COMMERCIAL NUDITY** – Established commercial nudity establishments as a Group 9 special permit use in the C-7 District. **Adopted 12/15/80**
- ZO-81-42 DRUG PARAPHERNALIA, DEFINITION** –Established drug paraphernalia establishments as a Category 5 special exception use in the C-7 District. **Adopted 02/02/81**
- ZO-81-43 LANDSCAPING & SCREENING** – Revised erosion and sedimentation control provisions to coordinate with the Public Facilities Manual. **Adopted 03/23/81**
- Associated Amendment:** See amendment to Fairfax County Code Chapter 104, Erosion and Sedimentation Control Ordinance
- ZO-81-44 ELECTRICAL GENERATING PLANTS/WATER PURIFICATION FACILITIES** – Permitted electrical generating plants and water purification facilities as a Category 2 special exception use in the R-E, R-1, and R-2 Districts. **Adopted 04/27/81**
- ZO-81-45 PDH DISTRICT REGULATIONS** – Added two new provisions by which an increase in the maximum density could be requested. **Adopted 06/22/81**
- ZO-81-46 SOIL IN FLOODPLAIN** – Added provisions regulating the addition of soil on lots and distinguished between clearing, grading, and landfill activities. **Adopted 06/22/81**
- ZO-81-46 LANDFILL, DEFINITION** – Revised the definition of “public use” so that public landfills will be excluded and will require approval of a special exception. **Adopted 06/22/81**

**Associated Amendments:** See amendments to Fairfax County Code Chapter 104, Erosion and Sedimentation Control, and Chapter 109, Solid Waste Management

- ZO-81-47 CONDO CONVERSION** – Established a new Category 6 special exception use for condominium conversions of nonconforming buildings and related lots. **Adopted 07/20/81**
- ZO-81-48 ADMINISTRATION** – Added provisions to allow bunting, banners, and pennants as temporary signs. Added requirements for stacking spaces for fast food restaurants with drive-in windows. **Adopted 07/27/81**
- ZO-81-48 MINI-WAREHOUSE** – Revised the definition of mini-warehousing establishment to allow for more than one-story buildings. **Adopted 07/27/81**
- ZO-81-49 MINI-WAREHOUSE PARKING** – Revised off-street parking requirement for mini-warehousing establishments including deletion of minimum width requirement for travel aisles. **Adopted 07/27/81**
- ZO-81-50 RESIDENTIAL/NONRESIDENTIAL USE PERMITS** – Allowed the Zoning Administrator to revoke a Residential Use Permit or Non-Residential Use Permit. **Adopted 08/03/81**
- ZO-81-50 PARKING FOR FAST FOOD RESTAURANTS** – Modified stacking space requirement for fast food restaurants. **Adopted 08/03/01**
- ZO-81-51 FREESTANDING SIGNS FOR FAST FOOD RESTAURANTS AND EATING ESTABLISHMENTS** – Modified location requirements for freestanding signs and established provisions to permit freestanding identification signs for office parks and modified definitions of fast food restaurants and eating establishments. **Adopted 9/28/81**
- ZO-81-52 INDUSTRIAL BULK REGULATIONS** – Permitted a reduction in the I-I and I-1 District minimum yard requirements to facilitate the implementation of a major street improvement. **Adopted 10/20/81**
- ZO-81-53 PROFFERED CONDITIONS** – Added provisions regarding general regulations and interpretation of proffered conditions. **Adopted 10/20/81**
- ZO-81-54 LANDSCAPE ARCHITECTS** – Recognized certified landscape architect. **Adopted 11/23/81**
- ZO-81-54 VARIANCES** – Established an affidavit requirement for variance applications. **Adopted 11/23/81**
- ZO-81-54 APPLICATION REHEARINGS AND FILINGS** – Clarified the provisions on filing of applications and allowed exemptions and waivers of the provisions limiting rehearing of rezoning applications. **Adopted 11/23/81**

- ZO-82-55 COMMERCIAL RECREATION RESTAURANTS** – Established a new Group 5 special permit use of commercial recreation restaurants and allowed such use in the C-5 thru C-8 Districts. **Adopted 01/22/82**
- ZO-82-56 FUEL PUMP SIGNS** – Repealed Motor Vehicle Fuel Price Sign Ordinance and replaced it with provisions requiring pole signs only, instead of signs on top of gas pumps. **Adopted 02/22/82**
- Associated Amendment:** See amendment to Chapter 10 of the Fairfax County Code, Consumer Protection
- ZO-82-57 AMUSEMENT ARCADES** – Revised additional standards and districts in which amusement arcades are allowed as a Category 5 special exception use. **Adopted 03/01/82**
- ZO-82-58 PLANT NURSERIES** – Revised the definition of plant nursery and deleted plant nurseries as a special exception use in R districts. **Adopted 03/01/82**
- ZO-82-59 TRANSITIONAL SCREENING** – Modified the plant material requirements for Transitional Screening and clarified that barriers be constructed facing out. **Adopted 03/22/82**
- ZO-82-59 HOME OCCUPATIONS** – Corrected an inconsistency regarding dressmakers, seamstresses and tailors as permitted home occupation uses. **Adopted 03/22/82**
- ZO-82-60 BZA MEMBERSHIP** – Increased the membership of the BZA from 5 to 7 members. **Adopted 05/03/82**
- ZO-82-61 BZA CONCURRING VOTE** – Required a concurring vote of 4 members of the BZA to authorize a variance. **Adopted 06/14/82; Effective 6/21/82**
- ZO-82-62 MEDICAL CARE FACILITIES** – Revised the definition of medical care facilities and allowed this use in the C-6, C-7, C-8, I-5 and I-6 Districts as a Category 3 special exception use. **Adopted 07/26/82**
- ZO-82-63 R-C DISTRICT REGULATIONS** – Revised yard requirements of the R-C District and allowed cluster developments in this district. **Adopted 07/26/82**
- Effective** - This amendment shall be effective immediately and shall apply to all plats and site plans which have not received final subdivision plat or final site plan approval prior to July 26, 1982.
- Associated Amendment:** See amendment to Sect. 1-20A of the Public Facilities Manual (PFM)
- ZO-82-64 SIGNS, COMPREHENSIVE** – Comprehensive revision of sign provisions. **Adopted 08/02/82**

**ZO-82-65 MODIFICATION OF YARD REQUIREMENTS IN R-C DISTRICT –** Allowed modifications to minimum yard requirements for existing lots which were rezoned to the R-C District. **Adopted 09/27/82**

**Effective -** This amendment shall be effective immediately and shall apply to all plats and site plans which have not received final subdivision plat or final site plan approval prior to July 26, 1982.

**ZO-82-66 CHILD CARE CENTERS -** Established a special exception requirement for child care centers, nursery schools, and schools of general and special education with more than 100 students. **Adopted 10/25/82**

**ZO-82-67 TRASH REMOVAL DEPOSITS FOR TEMPORARY SPECIAL PERMITS –** Established a \$100 cash escrow requirement of temporary special permit uses to ensure removal of all signs, trash and debris. **Adopted 11/22/82**

**ZO-82-68 DENSITY BONUS FOR LOW/MODERATE INCOME –** Allowed the waiving of density limitations for lots comprised of marine clay in mobile home parks that are designed to house low and moderate income families. **Adopted 11/22/82**

**ZO-82-69 AIRPORT NOISE IMPACT OVERLAY DISTRICT –** Clarified that the Airport Noise Impact Overlay District is applicable to areas which are subject to existing or projected airport noise impact. **Adopted 11/22/82**

**Associated Amendment:** See Out-of-Turn Comprehensive Plan Amendment S82-CW-E1 for Area III, Upper Potomac and Bull Run Planning Districts

**ZO-82-70 ALTERNATE USES OF PUBLIC FACILITIES –** Established a new Category 3 special exception use for alternate uses of County facilities. **Adopted 12/06/82**

**ZO-83-71 FEES FOR CHILD CARE CENTERS –** Relocated the application fee presented in Sections 9-309 and 9-310 to Sect. 18-106. **Adopted 01/31/83**

**ZO-83-72 DORMS/FRATERNITIES –** Required special exception approval for dormitories, fraternity/sorority houses and other residence halls. **Adopted 01/31/83**

**ZO-83-73 PARKING FOR PUBLIC USES –** Allowed the number of required parking spaces for public uses not specifically set forth in the ordinance to be established by the Director. **Adopted 01/31/83**

- ZO-83-74 SIGNS** – Allows signs posted by a service station for the purpose of identifying such station as being authorized to perform State safety and/or emission control inspections to be up to 10 square feet in size. **Adopted 01/31/83**
- ZO-83-75 REPAIR SERVICE ESTABLISHMENT** – Excluded interior decorating offices from the definition of Repair Service Establishment. **Adopted 01/31/83**
- ZO-83-76 PRC DISTRICT** – Allowed quick-service food stores in the PRC District Neighborhood Convenience Center. **Adopted 01/31/83**
- ZO-83-77 CONDOMINIUMS** – Revised provisions on nonconforming condominium conversions and added similar provisions for nonconforming cooperative condominiums in accordance with the Code of Virginia. **Adopted 01/31/83**
- Associated Amendment:** See 1982 amendment to Code of Virginia, Sect. 55.79.43 (Non-conforming Condominium Conversions)
- ZO-83-78 SIGN CONTROL OVERLAY DISTRICT** – Revised the title of Central Business District Sign Control Overlay District to Sign Control Overlay District and revised provisions of Sign Control Overlay District to be applicable to signs accessory to industrial uses located in these districts. **Adopted 03/21/83**
- Associated Amendment:** See also revisions to Sign Control Overlay District boundaries on Zoning Map
- ZO-83-79 ACCESSORY DWELLING UNITS** – Reviewed provisions relative to accessory dwelling units. **Adopted 03/28/83**
- ZO-83-80 SIGNS** – Deleted the 20% limitation on signs painted on or permanently affixed to windows. **Adopted 03/28/83**
- ZO-83-81 ADMINISTRATION** – Added provisions for limitations on rehearing, refund of application fees, amendment or withdrawal of special permit, special exception and variance applications and appeals. **Adopted 03/28/83; Effective 4/4/83.**
- ZO-83-82 USE LIMITATIONS ON CORNER LOTS** – Clarified the term “lateral vision” in Sect. 2-505 and deleted provisions which allowed a variance to this section. **Adopted 04/25/83**
- ZO-83-83 VARIANCES** – Comprehensive revision on the variance provisions to be consistent with State enabling legislation. **Adopted 04/25/83; Effective 5/2/83**
- ZO-83-84 GENERAL PROVISIONS FOR SPECIAL PERMITS AND SPECIAL EXCEPTIONS** – Revised general provisions for special permits and special exceptions. **Adopted 04/25/83; Effective 5/2/83**

- ZO-83-85 APPEALS** - Added submission requirements for appeals and clarified the procedures for processing and withdrawal of appeals. **Adopted 04/25/83; Effective 5/2/83**
- ZO-83-86 SPECIAL PERMIT AND SPECIAL EXCEPTION SUBMISSION REQUIREMENTS** – Made submission requirements consistent for all applications. **Adopted 4/25/83; Effective 5/2/83**
- ZO-83-87 MUSEUMS IN THE R-C DISTRICT** – Allowed cultural centers, museums, and similar facilities as a Category 3 special exception use in the R-C District. **Adopted 07/11/83**
- ZO-83-88 JUNK VEHICLES** – Revised the limitations on junk vehicles. **Adopted 07/25/83**
- ZO-83-89 MOBILE HOMES** – Allowed the use of mobile homes as temporary dwellings in conjunction with church, private school, nursery school or child care center special permit and special exception uses. **Adopted 10/17/83**
- ZO-83-90 BEAUTY SHOPS** – Extended grandfathering provisions for barbershops and beauty parlors legally established as a home occupation prior to August 14, 1978 and currently valid as of June 1, 1983. **Adopted 10/17/83**
- ZO-83-91 CLUSTER SUBDIVISIONS** – Revised cluster subdivision regulations to require special exception approval in the R-E and R-1 Districts. **Adopted 10/17/83**
- ZO-83-92 WETLANDS** – Deleted Wetlands Overlay District and replaced it with a new Part 10 of Article 2, Wetlands Regulations. **Adopted 10/17/83**
- Associated Amendment:** See also Rezoning Application RZ 83-V-052 for incorporation of the boundaries of Vegetated and Non-vegetated Wetlands on the Official Zoning Map.
- ZO-84-93 AIRPORT NOISE OVERLAY DISTRICT** – Modified boundaries and noise impact contours for the Dulles Noise Impact Area. **Adopted 02/06/84**
- ZO-84-94 LAKE ANNE HISTORIC DISTRICT** – Established the Lake Anne Historic Overlay District. **Adopted 02/13/84**

**Associated Amendment:** See also Rezoning Application RZ 83-C-055 for placement of the boundaries of the Lake Anne Historic Overlay District on the Official Zoning Map.

- ZO-84-95 SATELLITE COMMUNICATIONS IN I DISTRICTS** – Provided more guidance and control for the location and nature of communication towers in the County. **Adopted 02/13/84**
- Associated Amendment:** See County-wide Comprehensive Plan Amendment S83-CW-E1 (Policy Plan)
- ZO-84-96 DUSTLESS SURFACE** – Allowed modifications and waivers of the dustless surface requirement for off-street parking and loading areas upon approval if a special permit. **Adopted 03/26/84**
- ZO-84-97 APPLICATION FEES** – Increased filing fees for zoning applications. **Adopted 04/09/84; Effective 4/16/84**
- ZO-84-98 WETLANDS BOARD TO 7 MEMBERS** – Expanded the membership of the Wetlands Board from 5 to 7 members. **Adopted 04/30/84**
- ZO-84-99 COMMERCIAL/INDUSTRIAL ACCESS ON RESIDENTIAL LAND** – Exempted the requirement for approval of a special exception for a driveway traversing land that is residentially zoned but designated for commercial or industrial uses on the Comprehensive Plan. **Adopted 04/30/84**
- ZO-84-100 COMMERCIAL RECREATION PARKS** – Revised the provisions on Commercial Recreational Parks as a Group 5 special permit use and allowed this use by right in the I-5 and I-6 Districts. **Adopted 04/30/84**
- ZO-84-101 GEOTECHNICAL REVIEW BOARD** – Corrected references to the Public Facilities Manual, replaced the term “escrow” with “deposit” and updated the provisions on the Geotechnical Review Board. **Adopted 04/30/84**
- ZO-84-102 CAR WASHES** – Included hand washing of vehicles in the definition of car wash. **Adopted 06/04/84**
- ZO-84-103 WRITTEN NOTIFICATION** – Revised public hearing notification requirements for zoning applications. **Adopted 06/04/84.**
- Applicability** - This amendment is applicable to all applications filed on or after August 1, 1984.
- ZO-84-104 ESTABLISHMENT FOR SCIENTIFIC RESEARCH** – Clarified the term “establishment” for scientific research, development and training to allow, as an incidental use, assembly, integration and testing of products. **Adopted 06/04/84**
- ZO-84-105 SIGNS, REAL ESTATE** - Modified provisions relating to temporary, off-site real estate and yard sale signs. **Adopted 07/23/84**

- ZO-84-106 FEES, REZONING APPLICATIONS** – Increased filing fee for amendments to rezoning applications from \$100 to \$240. **Adopted 07/30/84**
- ZO-84-107 HI-TECH REGULATIONS** – Allowed establishments for scientific research and development with incidental assembly, integration and testing of a product as a special exception use in the C-1 thru C-4 Districts. **Adopted 07/30/84**
- ZO-84-108 COMMERCIAL VEHICLE, DEFINITION** – Clarified that certain public agency vehicles and any school or church vehicles used exclusively to transport persons to and from school or church are excluded from the definition of commercial vehicles. **Adopted 07/30/84**
- ZO-84-109 ELDERLY HOUSING STANDARDS** – Deleted one of the additional standards for housing for the elderly. **Adopted 09/24/84**
- ZO-84-110 TREE COMMISSION** – Updated provisions on the Tree Commission in accordance with the County Code and the Public Facilities Manual. **Adopted 09/24/84**
- Associated Amendment:** See amendment to Chapter 104 of the Fairfax County Code, Erosion and Sedimentation Control Ordinance and to the Public Facilities Manual (PFM)
- ZO-84-111 RENTAL CLARIFICATION** – Clarified the intent of Sect. 2-501 involving the number of dwelling units allowed on a single lot. **Adopted 09/24/84**
- ZO-84-112 DECKS** – Clarified and revised provisions governing extensions into minimum required yards. **Adopted 10/29/84**
- ZO-84-113 MOUNT AIR HISTORIC DISTRICT** – Established the Mount Air Historic Overlay District. **Adopted 10/29/84**
- Associated Amendment:** See Rezoning Application RZ 84-V-089 for placement of the Mount Air Historic Overlay District boundaries on the Official Zoning Map
- ZO-84-114 WETLANDS** – Deleted the Wetlands Overlay District and replaced it with a new Part 10 of Article 2, Wetlands Regulations. **Adopted 12/03/84**
- ZO-85-115 FLOODPLAINS** – Deleted Floodplain Overlay District and replaced it with a new Part 9 of Article 2, Floodplain Regulations. **Adopted 01/28/85; Effective 01/29/85**
- ZO-85-116 FEE FOR APPEALS** – Decreased the filing fee for applications to appeal decisions of the Zoning Administrator from \$70 to \$25. **Adopted 01/28/85**

- ZO-85-117 KEEPING OF ANIMALS** – Revised the provisions governing the keeping of animals, including livestock, domestic fowl, honeybees, homing pigeons, and kennels. **Adopted 02/25/85**
- ZO-85-118 CHURCHES** – Addressed the types of uses permitted in places of worship. **Adopted 04/29/85**
- ZO-85-119 AGRICULTURE DEFINITION** – Clarified that the keeping of livestock is a permitted accessory use on lots larger than 2 acres. **Adopted 05/13/85**
- ZO-85-120 UNMANNED BANK TELLERS** – Allowed unmanned bank teller machines by right in all P districts, the I-2 thru I-6 Districts, and the C-2 thru C-8 Districts. **Adopted 07/22/85**
- ZO-85-121 GOLF DRIVING RANGES IN THE R-C DISTRICT** – Added golf driving ranges as a special permit use in the R-C District. **Adopted 08/05/85**
- ZO-85-122 JUNK VEHICLES** – Established a new program for the removal and disposal of inoperative vehicles and deleted the provisions related to junk vehicles. **Adopted 09/16/85; Effective 12/01/85**
- Associated Amendment:** See amendment to Fairfax County Code Chapter 110, Inoperative Motor Vehicles, Trailers and Semitrailers.
- ZO-85-123 CIVIL PENALTIES** – Established civil penalties for specified zoning violations with a maximum fine of \$50. **Adopted 10/07/85**
- ZO-85-124 CAR WASHES IN THE PDC** – Allowed car washes as a secondary use in the PDC District. **Adopted 11/18/85**
- ZO-85-125 OFFICES IN WOODLAWN HISTORIC DISTRICT** – Allowed offices as a permitted use in the Woodlawn Historic Overlay District. **Adopted 11/25/85**
- ZO-86-126 CENTREVILLE HISTORIC DISTRICT** – Created the Centreville Historic Overlay District. **Adopted 02/24/86**
- ZO-86-127 FEES FOR SITE PLANS** – Adjusted fee schedules of the Divisions of Design Review and Inspection Services to conform to the policy of recovering 85% of departmental expenditures. **Adopted 03/10/86; Effective 03/10/86; Expired 6/30/86 (Superseded by Amendment No. 86-128)**

**Associated Amendments:** See amendments to Fairfax County Code Chapter 2, Property Under County Control, Chapter 101, Subdivision Ordinance, and Chapter 104, Erosion and Sedimentation Control

- ZO-86-128 FEES FOR SITE PLANS** – Increased site plan fees. **Adopted 03/10/86; Effective 07/01/86**
- ZO-86-129 ARCHITECTURAL REVIEW BOARD** – Clarified that all development proposals in historic overlay districts are subject to Architectural Review Board review. Permitted off-street parking in a minimum required front yard. **Adopted 05/19/86**
- ZO-86-130 CHILD CARE CENTERS IN I DISTRICT** – Permitted child care centers, nursery schools, and private schools of general education in all I districts. **Adopted 06/23/86**
- ZO-86-131 WRECKERS** - Prohibited parking of wreckers weighing 12,000 or more pounds on residentially zoned property. **Adopted 08/04/86**
- ZO-86-132 TIME LIMITS FOR BZA PUBLIC HEARINGS** – Stipulated that a BZA decision on any application must be made within 90 days of the acceptance of the application in lieu of the previous 60 days. **Adopted 10/06/86**
- Associated Amendment:** See amendment to the Code of Virginia Sect. 15.1-496.2, adopted March 1986; effective 7/1/86.
- ZO-86-133 SITE PLAN NOTIFICATION** – Stipulated that all abutting property owners must be notified of site plan submittal and that a minimum of 5 owners must be notified. **Adopted 12/08/86**
- ZO-86-134 SIGNAGE IN THE PRC** – Allowed additional off-site directional signs for commercial centers in the PRC District. **Adopted 12/08/86**
- ZO-86-135 GROUP RESIDENTIAL FACILITY COMMISSIONERS** – Deleted the 2 term restriction of the number of terms a Group Residential Facility Commissioner may serve. **Adopted 12/08/86**
- ZO-86-136 FEES FOR SITE PLANS** – Adjusted fee schedules of the Divisions of Design Review and Inspection Services to recover costs associated with additional expenditures. **Adopted 12/15/86; Effective 1/1/87**
- ZO-86-137 GRANDFATHER PROVISIONS** – Permanently repealed the grandfather and due diligence provisions of the Public Facilities Manual and related amendments to the Subdivision Ordinance and Zoning Ordinance. **Adopted 12/29/86; Effective 12/29/86**

**Associated Amendments:** See amendment to the Public Facilities Manual 20-86-PFM and to Chapter 101 of the Fairfax County Code, Subdivision Ordinance 53-86-01

**ZO-87-138 SUBMISSION REQUIREMENTS FOR DEVELOPMENT PLANS** – Increased the required number of copies of development plans, revised the time limitations for action on development plans and final development plans, and revised the submission date for development plans. **Adopted 02/09/87; Effective 02/10/87**

**Grandfather Provisions** - Development plans submitted prior to 12:01 a.m. February 10, 1987 shall be grandfathered. Development plans not submitted prior to 12:01 a.m., February 10, 1987, must be filed within sixty (60) days of February 10, 1987, in accordance with the provisions of this amendment

**ZO-87-139 RECONSIDERATION BY BZA** – Clarified when the BZA may reconsider a decision in conformance with Virginia law. **Adopted 02/23/87**

**ZO-87-140 PARKING FOR DISABLED PERSONS** – Provided a cross-reference to the Virginia Uniform Statewide Building Code requirements, established uniform guidelines for size and content of signs reserving spaces, and clarified that each space must be marked with a separate above-grade sign. **Adopted 03/23/87**

**Associated Amendment:** See amendment to the Public Facilities Manual, Part 8, Sect. 7-0802, Parking and Geometric Standards

**Grandfather** - This amendment shall become effective upon adoption and approved site plans shall be grandfathered from the new sign requirements.

**ZO-87-141 PERMITTED REDUCTION IN LOTS/YARDS** – Allowed reductions in the minimum lot size/yard requirements for certain subdivisions. **Adopted 04/27/87**

**Grandfather** - This amendment shall become effective at 12:01 a.m. on April 28, 1987 and only final subdivision plats which are approved prior to 12:01 a.m. on April 28, 1987 and which are filed for recordation within six months of the date of approval are to be grandfathered from this amendment.

**ZO-87-142 DENSITY CREDIT** – Allowed the granting of density credit for certain major utility easements with special exception approval. **Adopted 05/18/87**

**ZO-87-143 ANIMALS** – Revised regulations related to the keeping of animals. **Adopted 06/01/87**

**ZO-87-144 SOILS, GROUNDWATER** – Provided for early detection of groundwater problems in proposed developments within the County. **Adopted 06/01/87; Effective 7/1/87**

**Associated Amendments:** See amendments to the Public Facilities Manual 22-87-PFM and to Chapter 101 of the Fairfax County Code, Subdivision Ordinance 10-87-101, adopted simultaneously on 6/1/87.

**ZO-87-145 BASKETBALL STANDARDS IN FRONT YARDS** – Exempted basketball poles from the restriction on the location of accessory structures in front yards. **Adopted 06/15/87**

**ZO-87-146 SITE PLAN EXTENSIONS** – Deleted references to site plan extensions and other provisions deleted by the Zoning Ordinance amendment on grandfathering. **Adopted 07/27/87**

**ZO-87-147 ACCESSORY DWELLING UNITS** – Improved the effectiveness of Accessory Dwelling Unit (ADU) provisions, including the conversion of ADU use from special exception to special permit and the modification of parking requirements on a case-by-case basis. **Adopted and Effective 07/27/87**

**ZO-87-148 COMMERCIAL NUILITY** – Banned “nude” and “semi-nude” dancing in local establishments selling alcohol. **Adopted 08/03/87**

**ZO-87-149 DENSITY BONUS IN THE PDH** – Revised the maximum density bonus provisions of the PDH district. **Adopted 10/19/87; Effective 10/20/87**

**Grandfather** - The following are grandfathered from the provisions of this amendment:

- Conceptual and final development plans approved prior to the effective date; and
- Subsequent Conceptual Development Plan Amendments (CDPAs) to previously approved PDH District zonings which had bonus densities approved based on previous Zoning Ordinance provisions, when in the judgment of the Board of Supervisors, such amendments do none of the following:
  - Constitute an entirely new proposal from that previously approved;
  - Increase the previously approved maximum density or affect the basis on which the bonus density had been previously approved;
  - Change the previously approved dwelling unit types;
  - Change the land area; or
  - Decrease the open space.

**ZO-87-150 CLUSTER** – Required special exception approval for cluster subdivisions in the R-2, R-3, and R-4 Districts. **Adopted 10/19/87; Effective 10/20/87**

**Associated Amendments:** See also 10/4/87 amendments to the Public Facilities Manual and to Chapter 101 of the Fairfax County Code, Subdivision Ordinance.

**Grandfather** - The following are grandfathered from the provision of this amendment:

- Proffered rezoning applications approved prior to the effective date which specifically identify approval of a cluster subdivision.
- A preliminary subdivision plat approved prior to the effective date of this amendment or a preliminary subdivision plat submitted and accepted for review at least 60 days before the effective date of this amendment, provided that the due diligence standards, set forth below, are met.
- Preliminary subdivision plat approval may be reapproved when construction plans and final plats have been submitted and are proceeding in accordance with the following due diligence standards:

*Due Diligence Standards*

*Subdivision Construction Plans:*

1. *Single-section projects.*

Subdivision construction plans submitted pursuant to an approved preliminary plat shall be filed within 12 months of preliminary plat approval. If corrections are deemed necessary by the reviewing authority, revised plans shall be filed within six months of their return to the developer.

2. *Multi-section projects.*

Subdivision construction plans for the first section of a preliminary plat to be developed as a multi-section project shall meet the requirements set forth above for single-section projects. Subdivision construction plans for additional sections of multi-section projects shall be filed for review in less than 24 month intervals from the previous section approval. All sections of multi-section projects must be of record within five years of the original date of preliminary plat approval unless an extension is granted by the Board of Supervisors.

3. Any easement which the Board of Supervisors has agreed to condemn shall extend the time limitations for easement acquisition only.
4. Executed agreements and bonds, deposits, easements and fees shall be submitted within 12 months of the date of transmission of the permit package to the developer.

*Final Plats*

Final plats shall be filed for review within ten months of approval of the subdivision construction plans and recorded within six months of approval of the final plat. Final plats for subdivisions not requiring construction plans shall be filed within ten months of preliminary plat approval and recorded within six months of approval of the final plat. If corrections are deemed necessary by the reviewing authority, a revised plat shall be filed within two months of its return to the developer.

**ZO-87-151 CIVIL PENALTIES** – Established civil penalties to Zoning Ordinance violations regarding front yard location requirements for accessory uses and structures. **Adopted 10/19/87**

**ZO-87-152 SINGLE FAMILY ATTACHED PARKING** – Revised the off-street parking requirement for single family attached units. **Adopted 10/26/87; Effective 10/27/87**

**Associated Amendment:** See also simultaneous amendment to the Public Facilities Manual, Article 7 Streets, Parking and Driveways, Part 8, Parking Geometrics.

**Grandfather** - The following are grandfathered from the provision of this amendment:

1. Proffered rezoning applications and P District rezoning applications approved prior to the effective date, when the approved P District zoning or proffered conditions conflict with the provisions of this amendment.
2. Special exception applications approved prior to the effective date, when the approved plat and/or conditions specifically identify the number of parking spaces.
3. Site plans filed prior to August 4, 1987, containing all required information as set forth in Sect. 17-105, which plans are not approved prior to the effective date of this amendment, so long as due diligence is maintained. For purposes of this paragraph, due diligence shall mean the following:
  - (a) If corrections to a properly submitted and accepted site plan are deemed necessary by the reviewing authority, a site plan containing revisions shall be resubmitted within six (6) months of its return to the developer.

- (b) Executed agreements and bonds, deposits, easements and fees shall be submitted within twelve (12) months of the date of transmission of the permit package to the developer.
- (c) The above limitations may be extended only by the Board of Supervisors and only for good cause shown. Such extensions may be considered only when the developer notifies the Director of his inability to meet such time limitations before the time limitation expires.

Resubmissions of such site plans shall also be grandfathered but only so long as such resubmission proposes no increase in the number of dwelling units which would result in more required parking spaces than those shown on the submitted site plans as it existed on August 4, 1987. Resubmissions of such plans which propose a reduction in the number of dwelling units shall be grandfathered but only as long as there is no reduction in the number of parking spaces below that which would be required under the provisions of this amendment.

- 4. Site plans and site plan waivers and exceptions approved prior to the effective date of this amendment, for the uses shown and corresponding number of parking spaces shown on such plans.

Revisions to such plans for which the bonds and agreements have not been released may be approved so long as such revision does not propose an increase in the number of dwelling units which would result in more required parking spaces than those shown on the approved site plan.

Revisions to site plans and site plan waivers and exceptions approved prior to the effective date of this amendment for which the bonds and agreements have not been released which propose a reduction in the number of dwelling units may be approved so long as there is no reduction in the number of parking spaces below that which would be required under the provisions of this amendment.

- 5. Preliminary site plans required under the provisions of Article 16 approved prior to the effective date of this amendment, for the uses shown and corresponding number of parking spaces shown on such plans.

**ZO-87-153 COMMERCIAL OFF-STREET PARKING IN METRO STATION AREAS** Established a new special exception use to allow privately operated commercial off-street parking lots as a temporary use in Metro Station Areas. **Adopted 11/23/87**

**ZO-88-154 ELDERLY HOUSING IN THE PDC** – Relaxed the restriction on the amount of Housing for the Elderly permitted in the PDC District. **Adopted 01/25/88**

**ZO-88-155 ACCESSORY DWELLING UNIT** – Lowered the minimum age requirement for the elderly from 60 to 55. **Adopted 01/25/88**

**ZO-88-156 DISCLOSURE CONFLICT OF INTEREST** – Deleted public disclosure provisions because they were superseded by amendments to the Code of Virginia. **Adopted 02/08/88**

**ZO-88-157 STREET LIGHTS ON SITE PLANS** – Required installation of street lights in all new developments, including entrances, as a requirement of subdivision and site plan development. **Adopted 02/22/88; Effective 07/01/88**

**Associated Amendments:** See amendments to the Public Facilities Manual 23-88-PFM and to Chapter 101 of the Fairfax County Code, Subdivision Ordinance 05-88-101, adopted simultaneously on 2/22/88.

**Grandfather** - The following are grandfathered from the provisions of this amendment: This amendment shall be applicable to all new subdivision construction plans and site plans submitted after July 1, 1988.

**ZO-88-158 METRO AREA PARKING IN R-E** – Allowed privately operated temporary commercial off-street parking lots in Metro Station Areas as a special exception use in the R-E District. **Adopted 03/28/88**

**ZO-88-159 FAST FOOD IN PDC** – Added fast food restaurants as a permitted use in the PDC District. **Adopted 05/23/88; Effective 3/19/88**

**ZO-88-160 GROSS FLOOR AREA IN PDC** – Excluded open porches, decks, balconies, and breezeways from the gross floor area calculations for dwellings. **Adopted 06/13/88**

**ZO-88-161 FEES FOR SITE PLANS** – Adjusted site plan fees, including Fire Marshal review fees, based on policy for rate of recovery. **Adopted 06/13/88; Effective 07/05/88**

**ZO-88-162 FEES FOR APPLICATIONS** – Increased filing fees for zoning applications. **Adopted 06/13/88 and 6/20/88; Effective 07/01/88**

**ZO-88-163 VETERINARY HOSPITALS IN PDH AND PDC** – Added veterinary hospitals as a permitted secondary use in the PDH and PDC Districts. **Adopted 08/01/88**

**ZO-88-164 PHASE I PARKING** – Revised specific parking requirements for certain land uses, changed the basis for parking space calculations from net floor area to gross floor area for certain commercial and industrial uses, and established a universal size space. **Adopted 09/19/88**

**Associated Amendment:** See amendment to the Public Facilities Manual 25-88-PFM, adopted simultaneously on 9/19/88.

### **Applicability**

1. Proffered rezoning applications and P district rezoning applications approved prior to 12:01 a.m., September 20, 1988 shall comply to the extent possible with the provisions of this amendment, provided such compliance does not preclude fulfillment of any proffered condition or condition of any P district rezoning, in which case the condition shall supersede the provisions of this amendment.
2. Special permit and special exception applications approved prior to 12:01 a.m., September 20, 1988 shall comply to the extent possible with the provisions of this amendment, provided such compliance does not preclude fulfillment of any approved condition, in which case the condition shall supersede the provisions of this amendment.

**Grandfather** - In addition, the following shall be grandfathered:

3. Site plans filed prior to 12:01 a.m., September 20, 1988 containing all required information as set forth in Sect. 17-105, which plans are not approved prior to September 20, 1988 so long as due diligence is maintained. For purposes of this paragraph, due diligence shall mean the following:
  - (a) If corrections to a properly submitted and accepted site plan are deemed necessary by the reviewing authority, a site plan containing the revisions shall be resubmitted within six (6) months of its return to the developer.
  - (b) Executed agreements and bonds, deposits, easements and fees shall be submitted within twelve (12) months of the date of transmission of the permit package to the developer.
  - (c) The above limitations may be extended only by the Board of Supervisors and only for good cause shown. Such extensions may be considered only when the developer notifies the Director of DEM of his inability to meet such time limitations before the time limitation expires.

Resubmissions of such site plans shall also be grandfathered but only so long as such resubmission proposes no increase or change in use which would result in more required parking spaces than those shown on the submitted site plan as it existed prior to 12:01 a.m., September 20, 1988. Resubmissions of such site plans which propose a reduction in the

determinant upon which parking is based shall be grandfathered but only so long as there is no reduction in the number of parking spaces below that which would be required under the provisions of this amendment.

4. Site plans and site plan waivers and exceptions approved prior to 12:01 a.m., September 20, 1988 for the uses shown and corresponding number of parking spaces shown on such plans.

Revisions to such plans for which the bonds and agreements have not been release may be approved so long as such revision does not result in an increase to the determinant upon which parking is based or a change in use which would require more parking spaces than those shown on the approved site plan.

Revisions to site plans and site plan waivers and exceptions approved prior to 12:01 a.m., September 20, 1988 for which the bonds and agreements have not been released which propose a reduction in the determinant upon which parking is based may be approved so long as there is no reduction in the number of parking spaces below that which would be required under the provisions of this amendment.

(Note: This amendment established the universal sized parking space and eliminated but grandfathered the use of compact parking spaces. Such compact spaces may remain provided that there is no expansion which requires additional parking or as long as the total number of spaces on the site is not reduced)

5. Preliminary site plans required under the provisions of Article 16 approved prior to 12:01 a.m., September 20, 1988 for the uses shown and corresponding number of parking spaces shown on such plans.
6. Requests for compact car parking, shared parking and parking reductions approved by the Board of Supervisors prior to 12:01 a.m., September 20, 1988 provided a site plan incorporating such approval is submitted within three (3) months of September 20, 1988 and provided further that due diligence is maintained. For purposes of this paragraph, due diligence shall be as defined in preceding paragraphs 3(a), (b) and (c).

**ZO-88-165 CHURCHES IN I DISTRICTS** – Allowed churches by right in the I-1, I-5 and I-6 Districts and converted churches from a special permit use to a by right use in the I-4 District. **Adopted 10/31/88; Effective 11/01/88**

**ZO-88-166 FAST FOOD IN PDC** – Established fast food restaurants as a secondary use in the PDC District. **Adopted 10/31/88**

**ZO-88-167 PRIVATE WATER/SEWER SYSTEMS** – Stipulated that individual sewage disposal systems and private water supply systems must be located on the lot of

the principal use and in a district which permits the principle use. **Adopted 10/31/88; Effective 11/01/88**

**Grandfather** - The following are grandfathered from the provisions of this amendment:

1. Proffered rezoning applications and P district rezoning applications approved prior to 12:01 a.m., November 1, 1988, which specifically provide for a private septic or water system, within the area of the proffered or approved rezoning, which is not in accord with this amendment.
2. Special permit and special exception applications approved prior to 12:01 a.m., November 1, 1988, which specifically provide for a private septic or water system not in accord with this amendment.
3. For non-residential development, site plans approved prior to 12:01 a.m., November 1, 1988, which specifically provide for a private septic or water system not in accord with this amendment.
4. For residential development, building permits approved prior to 12:01 a.m., November 1, 1988, which specifically provide for a private septic or water system not in accord with this amendment

**ZO-88-168 NURSERY/PRIVATE SCHOOLS IN R-A, R-P, R-C** – Added private schools of general education and nursery schools as a special permit/special exception use in the R-A, R-P and R-C Districts. **Adopted 10/31/88**

**ZO-89-169 NOTICE TO INCLUDE ADDRESS** – Required notification to Board members upon submission of site plans and clarified location of the subject property by including street address. **Adopted 01/30/89; Effective 03/01/89**

**ZO-89-170 FEES FOR SITE PLANS** – Adjusted fee schedules of the Division of Design Review and the Division of Inspection Services in order to adhere to the policy of recovering 100% of departmental expenditures. **Adopted 02/13/89; Effective 03/01/89**

**Associated Amendments:** See amendments to Fairfax County Code Chapter 2, Property Under County Control, 04-89-2, Chapter 61, Building Provisions, 05-89-61, Chapter 101, Subdivision Ordinance 06-89-101 and Chapter 104, Erosion and Sedimentation Control, 07-89-104, adopted simultaneously on 2/13/89.

**ZO-89-171 WETLANDS** – Deleted Wetlands Regulations. **Adopted 03/13/89; Effective 03/14/89**

**Associated Amendment:** See new chapter to Fairfax County Code, Chapter 116, Wetlands Zoning Ordinance

**ZO-89-172 ANIMAL EXHIBITIONS** – Amended provisions relating to the issuance of temporary special permits for animal exhibitions. **Adopted 03/13/89; Effective 03/14/89**

**Associated Amendment:** See amendment to Chapter 41 of the Fairfax County Code, Animals and Fowl (repealed and replaced with Chapter 41.1, Animal Control and Care, pursuant to Sect. 26-04-41.1 of the State Comprehensive Animal Laws)

**ZO-89-173 FEES FOR SITE PLANS** – Adjusted user fee schedules of Design Review and Inspection Services in order to adhere to the policy of recovering 100% of departmental expenditures. **Adopted 03/20/89; Effective 04/01/89**

**Associated Amendments:** See amendments to Fairfax County Code Chapter 2, Property Under County Control, 10-89-2, Chapter 61, Building Provisions, 11-89-61, Chapter 101, Subdivision Ordinance 12-89-101 and Chapter 104, Erosion and Sedimentation Control, 13-89-104, adopted simultaneously on 3/20/89.

**ZO-89-174 BUILDING MOUNTED SIGNS** – Permitted identification signs to be mounted on rooftop penthouse walls and rooftop screening walls in commercial and industrial districts by right. **Adopted 04/17/89; Effective 04/18/89**

**ZO-89-175 ACCESSORY STORAGE SHEDS** – Permitted free-standing accessory storage structures taller than 7 feet to locate in minimum required yards. **Adopted 05/01/89; Effective 05/02/89**

**ZO-89-176 SPECIAL EXCEPTION USES IN R-C DISTRICTS** – Added regional sewage treatment and disposal facilities and institutions providing housing and general care for the indigent, orphans and the like as special exception uses in the R-C District. **Adopted 05/01/89; Effective 05/02/89**

**ZO-89-177 SIGNS FOR HOSPITALS** – Allowed off-site directional signs to hospitals and permitted an increase in the number and size of signs allowed at a hospital. **Adopted 05/01/89; Effective 05/02/89**

**ZO-89-178 CHILD CARE PLAY AREA IN FRONT YARDS** – Permitted outdoor recreation areas associated with family day care homes, child care centers, and nursery schools to be located in the minimum required front yard on a case-by-case basis. **Adopted 05/01/89; Effective 05/02/89**

**ZO-89-179 1987-1988 STATE CODE REVISIONS** – Incorporated Code of Virginia amendments, including surface and ground water, historic overlay districts, appeals, and notification requirements. **Adopted 05/22/89; Effective 05/23/89**

**ZO-89-180 SITE PLAN PREPARATION** – Established Plans Examiner Program. **Adopted 08/07/89**

**Associated Amendments:** See amendments to Fairfax County Code Chapter 101, Subdivision Ordinance 27-89-101 and Chapter 117, Expedited Land Development Review, 26-89-117, adopted simultaneously on 8/07/89.

**ZO-89-181 INTERMENT USES** – Revised provisions for interment uses with regard to crematories, columbariums, and mausoleums. **Adopted 09/11/89; Effective 09/12/89**

**ZO-89-182 SUBMISSION REQUIREMENTS** – Revised submission requirements for zoning applications by requiring additional information at the time of application. **Adopted 10/23/89; Effective 10/24/89**

**Grandfather** - The following are grandfathered from the provisions of this amendment:

Applications which are filed prior to the effective date of the amendment and which are complete in accordance with the applicable provisions at the time of filing to include the applicable development plan for rezoning applications provided, however, that any subsequent changes to an affidavit shall be presented on the new affidavit forms and there shall be an oral reaffirmation of the accuracy of the affidavit at all public hearings on applications held subsequent to the effective date of the amendment.

**ZO-89-183 FOOD AND BEVERAGE MANUFACTURING, PRODUCTION AND PROCESSING** – Permitted food and beverage manufacturing, production, and processing establishments in the I-4 District with special exception approval. **Adopted 10/30/89; Effective 10/31/89**

**ZO-89-184 LOCATION REGULATIONS FOR FENCES AND OTHER FREESTANDING ACCESSORY STRUCTURES** – Revised the location regulations for fences and made technical corrections to the location regulations for other accessory structures. **Adopted 10/30/89; Effective 10/31/89**

**ZO-89-185 COMMERCIAL AND INDUSTRIAL DISTRICTS** – Deleted offices as a principal use in the I-1 thru I-6 Districts, but allowed their establishment as a special exception use. Added hotels and motels as a by right use in the C-3 and C-4 Districts. **Adopted 12/11/89; Effective 12/12/89.**

**Grandfather** - The following are grandfathered from the provisions of this amendment:

1. Uses for which building permits have been approved, provided the structure containing the use is constructed under the approved building permit.

2. Uses shown on a site plan approved prior to December 12, 1989, provided a building permit(s) for the structure(s) shown on the approved site plan is issued in accordance with Par. 1 of Sect. 17-109 of the Zoning Ordinance and provided further that the structure(s) containing the use is in fact constructed in accordance with such building permit(s).

Revisions to such approved site plans may be approved so long as such revision does not result in (a) an increase in FAR, (b) an increase in building height, (c) the addition of a use no longer allowed by this amendment, or (d) an increase in floor area for a use no longer allowed by this amendment.

3. Uses shown on a site plan, which plan contains all required information as set forth in Sect. 17-105 and is filed on or before September 18, 1989, provided such site plan is approved within twenty-four (24) months of the return of the initial submission to the applicant or agent, a building permit(s) for the structure(s) shown on the approved site plan is issued in accordance with Par. 1 of Sect. 17-109 of the Zoning Ordinance and provided further that the structure(s) containing the use is in fact constructed in accordance with such building permit(s). Thus, the structure(s) containing the uses shown on a site plan submitted on or before September 18, 1989 which site plan is not approved within twenty-four (24) months of the return of the initial submission to the applicant or agent, and/or the structure(s) for which a building permit(s) is not issued in accordance with Par. 1 of Sect. 17-109 of the Zoning Ordinance and/or the structure(s) containing the use is not constructed under such approved building permit(s) shall comply with the provisions of this amendment.

Resubmissions of such filed site plans or revisions to such approved site plans may be approved so long as such resubmission/revision does not result in (a) an increase in FAR, (b) an increase in building height, (c) the addition of a use no longer allowed by this amendment, or (d) an increase in floor area for a use no longer allowed by this amendment.

4. Special permit and special exception uses approved prior to September 18, 1989, provided a site plan is approved, a building permit issued, and construction commenced while the special permit or special exception is still valid, and provided further that the use is in fact constructed in accordance with such building permit.

While the special permit or special exception is still valid, resubmissions of such site plans shall be permitted and may be approved but only so long as such resubmission does not result in (a) an increase in FAR, (b) an increase in building height, (c) the addition of a use no longer allowed by this amendment, or (d) an increase in the floor area for a use no longer allowed by this amendment.

5. Proffered rezonings approved on or before the date of adoption of the amendment shall be governed by the provisions of Part 4 of Article 1, which provides that proffered rezonings approved on or before the date of adoption

of the amendment shall comply with the provisions of this amendment, except where the imposition of the requirements of this amendment would be in conflict with a specific proffered condition which would supersede the requirements of this amendment.

6. If a building or use in the C-6, C-7, I-3, I-4, I-5 or I-6 District was a conforming use immediately prior to December 12, 1989, the effective date of Zoning Ordinance Amendment #89-185, and would be nonconforming but for the provisions of Par. 2 of Sect. 15-101 because the office use, FAR and/or building is now permitted by special exception as a result of Zoning Ordinance Amendment #89-185, or if a building or use was constructed pursuant to a site plan, approved building permit, approved special permit or approved special exception grandfathered from Zoning Ordinance Amendment #89-185, and such building or use would be nonconforming but for the provisions of Par. 2 of Sect. 15-101 because the office use, FAR and/or building height is now permitted by special exception as a result of Zoning Ordinance Amendment #89-185, such building or use may be reconstructed after such building or use is destroyed or damaged by any casualty without a special exception for office, FAR and/or building height provided that construction is commenced and diligently prosecuted within four (4) years after such destruction or damage. The building height and floor area ratio of the reconstructed use shall not exceed that which existed at the time of destruction or damage, and the location of the use on the lot shall conform with all current minimum yard requirements.

**ZO-89-186 AFFORDABLE DWELLING UNIT PROGRAM** – Established Affordable Dwelling Unit Program. **Adopted 12/11/89; Effective 7/31/90**

**Effective** - The effective date of this amendment establishing the provisions of this part shall be July 31, 1990 but in no event less than 60 days after the Zoning Ordinance is further amended to include new bulk regulations and other revisions which may be necessary to accommodate the provisions of this Part, whichever shall occur first.

**Virginia Assembly Approval** - This amendment required approval by the Virginia General Assembly which became effective on July 31, 1990.

**ZO-90-187 DESIGN REVIEW FEES** – Adjusted site plan fee schedules to conform to policy of recovering 100% of departmental expenditures. **Adopted 01/22/90; Effective 02/01/90**

**Associated Amendments:** See amendments to Fairfax County Code Chapter 2, Property Under County Control, 01-90-2, Chapter 61, Building Provisions, 02-90-61, Chapter 101, Subdivision Ordinance 03-90-101 and Chapter 104, Erosion and Sedimentation Control, 04-90-104, adopted simultaneously on 1/22/90.

**ZO-90-188 INDUSTRIAL/FLEX** – Added industrial/flex as an allowed special exception use in the I-3 District. **Adopted 02/26/90; Effective 02/27/90**

**ZO-90-189 HOME CHILD CARE FACILITY AND CHILD CARE CENTER** – Revised the provisions regarding Home Child Care Facilities and Child Care Centers including the number of children permitted by right. **Adopted 3/26/90; Effective 03/27/90**

**Associated Amendment:** See amendment to Fairfax County Code Chapter 30, Minimum Private School and Child Care Facility Standards.

**ZO-90-190 TREE COVER REQUIREMENTS** – Established tree cover requirements in Zoning Ordinance, Subdivision Ordinance, Erosion and Sediment Control Ordinance, and Public Facilities Manual. **Adopted 04/16/90; Effective 04/17/90**

**Associated Amendments:** See amendments to the Public Facilities Manual 29-90-PFM and to Chapter 101, Subdivision Ordinance 08-90-101 and Chapter 104, Erosion and Sedimentation Control, 09-90-104 of the Fairfax County Code, adopted simultaneously on 1/16/90.

**Applicability** - The following provisions apply:

1. Proffered rezonings approved prior to the effective date shall comply with the provisions of this amendment to the extent possible, provided such compliance does not preclude fulfillment of any proffered condition, in which case the condition shall supersede the provisions of this amendment to the extent of the conflict.
2. Special permits and special exceptions approved prior to the effective date shall comply with the provisions of this amendment to the extent possible, provided such compliance does not preclude fulfillment of any approved condition, in which case the condition shall supersede the provisions of this amendment to the extent of the conflict.

**Grandfather** - In addition, the following shall be grandfathered:

1. Site plans filed prior to the effective date of this amendment, containing all required information as set forth in Sect. 17-105, which plans are not approved prior to the effective date so long as due diligence is maintained and a properly submitted and accepted site plan is approved within twenty-four (24) months of the effective date of this amendment. For the purposes of this paragraph, due diligence shall mean the following:

- (a) If corrections to a properly submitted and accepted site plan are deemed necessary by the reviewing authority, a site plan containing the revisions shall be resubmitted within six (6) months of its return to the developer.
  - (b) Executed agreements and bonds, deposits, easements and fees shall be submitted within twelve (12) months of the date of transmission of the permit package to the developer.
  - (c) The above limitations may be extended only by the Board of Supervisors and only for good cause shown. Such extensions may be considered only when the developer notifies the Director of DEM of his inability to meet such time limitations before the time limitation expires.
2. Site plans and site plan waivers approved prior to the effective date of this amendment.
3. Preliminary plats for subdivisions approved prior to the effective date of this amendment, provided, however, that if the subsequent subdivision construction plan or site plan is not approved within twenty-four (24) months of the approval of the preliminary plat, the subsequent construction plan or site plan shall comply with the provisions of this amendment.
4. Preliminary plats for subdivisions filed prior to the effective date of this amendment, containing all required information as set forth in Article 2 of the Public Facilities Manual, which plats are not approved prior to the effective date so long as due diligence is maintained and a properly submitted and accepted preliminary subdivision plat is approved within twenty-four (24) months of the effective date of this amendment. For the purposes of this paragraph, due diligence shall mean the following:
- (a) If corrections to a properly submitted and accepted set of preliminary subdivision plats are deemed necessary by the reviewing authority, a set of plats containing the revisions shall be resubmitted within six (6) months of its return to the developer.
  - (b) Executed agreements and bonds, deposits, easements and fees shall be submitted within twelve (12) months of the date of transmission of the permit package to the developer.
  - (c) The above limitations may be extended only by the Board of Supervisors and only for good cause shown. Such extensions may be considered only when the developer notifies the Director of DEM of his inability to meet such time limitations before the time limitation expires.

The above notwithstanding, the subsequent construction plan or site plan must be approved within twenty-four (24) months of the effective date of this amendment, otherwise the grandfathering provisions shall not apply.

5. Overlot grading plans approved prior to the effective date of this amendment.
6. Overlot grading plans filed prior to the effective date of this amendment which plans are not approved prior to the effective date so long as due diligence is maintained and a properly submitted and accepted overlot grading plan is approved within twenty-four (24) months of the effective date of this amendment. If the preliminary plat or subdivision construction plan is approved under the grandfather provisions listed above, the overlot grading plan shall also be grandfathered provided the overlot grading plan is approved within twenty-four (24) months of the effective date. For purposes of this paragraph, due diligence shall mean the following:
  - (a) If corrections to a properly submitted and accepted overlot grading plan are deemed necessary by the reviewing authority, an overlot grading plan containing the revisions shall be resubmitted within six (6) months of its return to the developer.
  - (b) The above limitations may be extended only by the Board of Supervisors and only for good cause shown. Such extensions may be considered only when the developer notifies the Director of DEM of his inability to meet such time limitations before the time limitation expires.

**ZO-90-191 BINGO GAMES AND RAFFLES** – Revised sign regulations for bingo games and raffles. **Adopted 06/25/90; Effective 07/01/90**

**Associated Amendment:** See amendment to Fairfax County Code Chapter 24, Bingo, Games and Raffles 21-90-24, adopted simultaneously on 06/25/90.

**ZO-90-192 PDC DISTRICT** – Revised minimum district size requirements for the PDC District to allow the use of PDC for parcels within areas designated as Commercial Business Districts. **Adopted 06/25/90; Effective 06/26/90**

**ZO-90-193 AFFORDABLE HOUSING** – Implemented the Affordable Dwelling Unit (ADU) Program. **Adopted 07/23/90; Effective 7/31/90**

**Associated Amendment:** See also amendment to Fairfax County Code Chapter 101, Subdivision Ordinance 26-90-01, adopted simultaneously on 07/23/90.

**ZO-90-194 GROUP RESIDENTIAL FACILITY** – Permitted the establishment of a group residential facility for up to 8 mentally disable or handicapped persons as a by right use in all dwelling units. **Adopted 08/06/90; Effective 08/07/90**

**ZO-90-195 SITE PLANS** – Established the Plans Examiner Program. **Adopted 11/05/90; Effective 01/01/91**

**Associated Amendment:** See also amendment to Fairfax County Code Chapter 101, Subdivision Ordinance 34-90-101, adopted simultaneously on 11/05/90.

**Grandfather** - All plats and plans not approved prior to the effective date shall comply with the new requirements.

**ZO-90-196 APPLICATION FEES** – Revised the fee for variance applications which request an increase in fence height in residential districts from \$900 to \$100. **Adopted 12/03/90; Effective 12/04/90**

**ZO-91-197 PARKING FOR VETERINARY HOSPITALS AND KENNELS** -- Established off-street parking requirements for veterinary hospitals and kennels. **Adopted 02/25/91; Effective 02/26/91**

**ZO-91-198 SINGLE FAMILY DETACHED CONDOMINIUM DWELLINGS** – Revised provisions regarding single family detached condominium dwellings. **Adopted 04/29/91; Effective 04/30/91**

**Grandfather** - The following shall be grandfathered from the provisions of this amendment:

Preliminary subdivision plats approved prior to the effective date of the amendment, provided that (a) upon application, such preliminary subdivision plat may be reapproved in accordance therewith one time after the effective date, (b) the subsequent subdivision construction plan associated with the development is approved within twelve (12) months of the approval or re-approval of the preliminary subdivision plat, as the case may be, and (c) the final subdivision plat is recorded in accordance with Sect. 101-2-5(d)(2) of the Subdivision Ordinance.

**ZO-91-199 INFRACTIONS AND CIVIL PENALTIES** – Revised the fines for civil penalties, the violations subject to the civil penalty process and procedures for service of a civil penalty summons. **Adopted 04/29/91; Effective 04/30/91**

**ZO-91-200 MAINTENANCE OF COMMON OPEN SPACE** – Allowed routine maintenance of common open space without County review and approval. **Adopted 04/29/91; Effective 04/30/91**

**ZO-91-201 OFF-STREET PARKING FOR PARKS** – Established off-street parking requirement for parks, including provisions for neighborhood parks, and allowed

for a modification or waiver of the dustless surface requirement. **Adopted 04/29/91; Effective 04/30/91**

**ZO-91-202 AGREEMENTS, SECURITIES, AND FEES** – Increased the number of provisions subject to the civil penalty procedure and increased civil penalty fines. **Adopted 05/20/91; Effective 05/21/91**

**Effective** - The fee schedule adjustments will become effective on July 1, 1991, except for the Site Plan Extension Filing Fee, which will become effective at 12:01 a.m. on the day following adoption of the amendment.

**Associated Amendments:** See amendments to Fairfax County Code Chapter 2, Property Under County Control, 14-91-02, Chapter 61, Building Provisions, 15-91-61, Chapter 101, Subdivision Ordinance 16-91-101, adopted simultaneously on 5/20/91.

**ZO-91-203 SITE PLANS** – Revised the time period for approved site plans and allowed extensions of site plan approvals. **Adopted 06/17/91; Effective 06/18/91**

**Applicability** - This amendment shall be applicable to all site plans approved after 12:01 a.m., June 18, 1991 and to all approved site plans currently valid as of 12:01 a.m., June 18, 1991, such that the expiration date of the site plan shall be extended for twelve (12) months and the extension provisions set forth above shall be applicable; provided that under no circumstance shall this Zoning Ordinance Amendment #91-203 be applicable to the following:

- (1) those site plans which were solely grandfathered from Zoning Ordinance Amendment #89-185 by Paragraphs 2 and 3 of the grandfather provision for Zoning Ordinance Amendment #89-185; and
- (2) residential site plans approved prior to 12:01 a.m., June 18, 1991 for which a Building Permit for a residential structure shown on the approved site plan has been issued and such structure is built pursuant to such Building Permit provided that:
  - a. such site plan is also an approved construction plan under the Subdivision Ordinance and such construction plan included the required information for a site plan as set forth in Sect. 105 above, to include location of all structures and minimum yards,
  - b. bonded improvements shown on the approved construction plan either have been built or are subject to a valid improvement bond,
  - c. the approval of a construction plan is followed by the recordation of a final subdivision plat within the specified time frames set forth in the Subdivision Ordinance, and
  - d. completion of construction is diligently pursued.

It is the express intent of the Board of Supervisors in adopting this amendment that the severability provisions of Part 3 of Article 1 shall not apply to this Zoning Ordinance Amendment #91-203. If any part of Zoning Ordinance Amendment #91-203 is deemed unconstitutional, unlawful or invalid for any reason or would cause the invalidity of any prior Zoning Ordinance Amendment for any reason, then the entire Zoning Ordinance Amendment #91-203 shall be deemed void, shall be stricken, and the pre-existing Ordinance provisions shall be automatically restored.

- ZO-91-204 PAWNSHOPS** – Established pawnshops as a special exception use in the C-6, C-7, and C-8 Districts. **Adopted 06/17/91; Effective 06/18/91**
- Associated Amendment** - Amendment to Fairfax County Code Chapter 33, Pawnbrokers, Precious Metals and Gem Dealers.
- ZO-91-205 SIGN PERMIT FEES** – Increased sign permit application fee from \$30 to \$50. **Adopted 06/17/91; Effective 06/18/91**
- ZO-91-206 PDC** – Allowed an increase in the percentage of gross floor area for dwellings as a secondary use in the PDC District. **Adopted 06/17/91; Effective 06/18/91**
- ZO-91-207 DWELLING UNITS/FUNERAL HOMES** – Permitted a residence for an employee and family as an accessory use to a funeral home or funeral chapel. **Adopted 07/22/91; Effective 07/23/91**
- ZO-91-208 FENCES ON CORNER LOTS** – Permitted an 8 foot fence or wall under certain conditions in the front yard of a residential corner lot that abuts a major thoroughfare. **Adopted 07/22/91; Effective 07/23/91**
- ZO-91-209 HISTORIC OVERLAY DISTRICT REGULATIONS** – Allowed Architectural Review Board considerations of the size of a proposed building or structure in a historic overlay district. **Adopted 07/22/91; Effective 07/23/91**
- ZO-91-210 NOISE BARRIERS** – Established a new term of noise barrier and a new Group 9 special permit use to allow approval of noise barriers for commercial and industrial uses. **Adopted 09/23/91; Effective 09/24/91**
- ZO-91-211 MANUFACTURED HOMES IN THE R-A DISTRICT** – Deleted minimum width requirement of 19 feet for manufactured homes in agricultural districts. **Adopted 09/23/91; Effective 09/24/91**
- ZO-91-212 FAST FOOD RESTAURANT USE LIMITATIONS** – Allowed smaller sized fast food restaurants without drive-through facilities by right in shopping centers. **Adopted 10/28/91; Effective 10/29/91**

- ZO-91-213 COMMUNITY BUSINESS CENTERS** – Replaced all references to Central Business District (CBD) with the term Community Business Center (CBC). **Adopted 10/28/91; Effective 10/29/91**
- ZO-91-214 REVOCATION OF SPECIAL EXCEPTIONS AND SPECIAL PERMITS** – Allowed for the revocation of special exception and special permits by the BZA. **Adopted 10/28/91; Effective 10/29/91**
- ZO-91-215 PRIVATE CLUBS** – Allowed private clubs as a special exception use in the R-C District. **Adopted 10/28/91; Effective 10/29/91**
- ZO-91-216 FENCES AND WALLS** – Allowed a modification to the height and location regulations for fences or walls approved by the Board in conjunction with the establishment of a public use. **Adopted 10/28/91; Effective 10/29/91**
- ZO-91-217 INITIAL APPROVAL PERIOD AND ADDITIONAL TIME FOR SPECIAL EXCEPTIONS, SPECIAL PERMITS AND VARIANCES** – Extended initial approval period from 18 months to 30 months and revised provisions regarding requests for additional time for approved special exceptions, special permits and variances. **Adopted 10/28/91; Effective 10/29/91**
- ZO-91-218 FLOODPLAIN REGULATIONS** – Provided that the restriction on permitted uses in a floodplain to a combined and cumulative area of 5,000 square feet. of fill or pavement per lot does not apply to uses in minor floodplains or to public uses and improvements. **Adopted 11/18/91; Effective 11/19/91**
- ZO-92-219 OCCASIONAL CHILD CARE CENTERS** – Established child care centers for occasional care as a by right use in the C-7 District when located within the main structure of a regional shopping center. **Adopted 03/23/92; Effective 03/24/92**
- Associated Amendment:** See also amendment to Fairfax County Code Chapter 30, Minimum Private School and Child Care Facility Standards.
- ZO-92-220 TREE COMMISSION** – Revised the membership of the Tree Commission to include citizen representation from the new Sully District. **Adopted 04/06/92; Effective 04/06/92**
- ZO-92-221 APPLICATION FEES** – Revised filing fees for zoning applications and established a fee for a comprehensive sign plan. **Adopted 04/21/92; Effective 07/01/92**
- ZO-92-222 DIRECTIONAL SIGNS IN THE PRC DISTRICT** – Allowed off-site directional signs in the PRC District. **Adopted 04/27/92; Effective 04/28/92**

**ZO-92-223 SITE PLAN REQUIREMENTS** – Deleted requirement for preliminary site plan and/or site plan approval for additions and accessory structures for single family attached dwellings. **Adopted 05/04/92; Effective 05/05/92**

**ZO-92-224 MINIMUM YARD REQUIREMENTS** – Revised the special permit provisions regarding modifications to the minimum yard requirements for certain R-C lots. **Adopted 06/08/92; Effective 06/09/92**

**ZO-92-225 COMMERCIAL AND INDUSTRIAL DISTRICTS** – Revised the provisions regarding permitted uses and intensities in the commercial retail and industrial district. **Adopted 07/13/92; Effective 07/14/92**

**Grandfather** - Revised grandfathering provisions to ZOA 89-185 and ZOA 92-225 are as follows:

Properties subject to the provisions of Zoning Ordinance Amendment (ZOA) 89-185, adopted December 11, 1989, and Zoning Ordinance Amendment (ZOA) 92-225, adopted July 13, 1992, shall hereafter be subject to the following amended provisions regarding the grandfathering of those properties, to the extent that uses, and FAR of those properties permitted prior to that date, have not otherwise been restored by any other approval such as a special exception:

1. Uses for which building permits have been approved, provided the structure containing the use is constructed under the approved building permit.
2. Uses shown on a site plan approved prior to December 12, 1989, provided a building permit(s) for the structure(s) shown on the approved site plan is issued in accordance with Par. 1 of Sect. 17-109 of the Zoning Ordinance and provided further that the structure(s) containing the use is in fact constructed in accordance with such building permit(s).

Revisions to such approved site plans may be approved so long as such revision does not result in (a) an increase in FAR to include an increase in floor area for office beyond that permitted under ZOA 92-225, or (b) an increase in building height.

3. Uses shown on a site plan, which plan contains the required information as set forth in Sect. 17-105 and is filed on or before December 12, 1989, provided such site plan is approved within twenty-four (24) months of the return of the initial submission to the applicant or agent, a building permit(s) for the structure(s) shown on the approved site plan is issued in accordance with Par. 1 of Sect. 17-109 of the Zoning Ordinance and provided further that the structure(s) containing the use is in fact constructed in accordance with such building permit(s).

Resubmissions of such filed site plans or revisions to such approved site plans may be approved so long as such resubmission/revision does not result in (a) an increase in FAR to include an increase in floor area for office beyond that permitted under ZOA 92-225, or (b) an increase in building height.

Where a site plan was filed between September 18, 1989, and December 12, 1989, where site plans were approved prior to December 12, 1989, where site plans were approved pursuant to this Paragraph 3 subsequent to December 12, 1989, or where site plans were approved as a result of the Circuit Court declaration that ZOA 89-185 was invalid; and, in each of the foregoing cases, where such site plans were not approved or are no longer valid, such site plans may be resubmitted within one hundred twenty (120) days of the adoption of ZOA 92-225, and may be approved, provided such plans comply with all current applicable County ordinances and regulations, except ZOA 89-185 and ZOA 92-225. Revisions to such site plans may be approved so long as such revision does not result in (a) an increase in FAR to include an increase in floor area for office beyond that permitted under ZOA 92-225, or (b) an increase in building height. For the purpose of this paragraph, the term “site plan” shall be deemed to include parking tabulation revisions for a change in use.

4. Special permit and special exception uses approved prior to December 12, 1989, provided a site plan is approved, a building permit issued, and construction commenced while the special permit or special exception is still valid, and provided further that the use is in fact constructed in accordance with such building permit.

While the special permit or special exception is still valid, resubmissions of such site plans shall be permitted and may be approved so long as such resubmission does not result in (a) an increase in FAR, (b) an increase in building height, (c) the addition of a use, or (d) an increase in floor area.

5. Neither ZOA 89-185 nor ZOA 92-225 shall be applicable to proffered rezonings approved prior to the effective date of ZOA 92-225 and Part 4 of Article 1 shall not apply thereto as regards ZOA 89-185 or ZOA 92-225; provided, however, new uses added by ZOA 89-185 and ZOA 92-225 shall be permitted on properties subject to proffered rezonings adopted prior to the effective date of ZOA 92-225 to the same extent the new uses are permitted on similarly zoned properties without proffered conditions, so long as the new uses are not inconsistent with the proffered conditions. If the new uses are inconsistent with a proffered rezoning, a proffer condition amendment shall be required before the new uses are permitted. This grandfather provision shall continue to apply in the event of subsequent proffered condition amendments.

6. For the purpose of ZOA 89-185 and ZOA 92-225, the word “replacement” as used in Par. 2 of Sect. 15-101 shall not be deemed to include the reconstruction of a building or use which was destroyed by casualty, either completely or in part, so long as such reconstruction does not result in an increase in total FAR, percent of office FAR or building height if any such increase would result in development or uses beyond that permitted by ZOA 92-225.

**ZO-92-226 ZOOLOGICAL PARKS** – Established a new use of zoological parks to allow as a permitted secondary use in the PDH District and as a SP use in the R-E and R-1 Districts. Revised use limitations for secondary uses in the PDH District. **Adopted 07/13/92; Effective 07/13/92**

**Associated Amendment:** See amendment to Fairfax County Code Chapter 41, Animals and Fowl (repealed and replaced with Chapter 41.1, Animal Control and Care, pursuant to Sect. 26-04-41.1 of the State Comprehensive Animal Laws)

**ZO-92-227 STORM DRAINAGE PRO RATA SHARE PROVISIONS** – Aligned the Zoning Ordinance with the Code of Virginia concerning storm drainage pro rata share provisions. Clarified technical requirements. **Adopted 07/27/92; Effective 10/01/92**

**Associated Amendment:** See also amendment to the Public Facility Manual 36-92-PFM, adopted simultaneously on 7/27/92.

**Grandfather** - The following are grandfathered from the provision of this amendment:

Subdivision plans (excluding preliminary plans), site plans (excluding preliminary site plans) and public improvement plans approved prior to 12:01 a.m., October 1, 1992 are grandfathered.

**ZO-92-228 NET FLOOR AREA** – Excluded cellar area used exclusively for storage from the definition of net floor area for purposes of determining off-street parking requirements. **Adopted 07/27/92; Effective 07/28/92**

**ZO-92-229 AMERICANS WITH DISABILITIES ACT (ADA)** – Provided for required ADA paratransit service including County’s FASTRAN service. **Adopted 08/03/92; Effective 08/04/92**

**Associated Amendment:** See also amendment to the Public Facilities Manual 37-92-PFM, adopted simultaneously on 8/03/92.

**ZO-92-230 FREESTANDING SHOPPING CENTER SIGNS** – Allowed the names of individual enterprises located within a shopping center to be displayed on a freestanding shopping center sign. **Adopted 10/05/92; Effective 10/06/92**

**ZO-92-231 TELECOMMUNICATIONS** – Established policies and guidelines to evaluate telecommunication facilities. **Adopted 12/07/92; Effective 01/02/93**

**Associated Amendment:** See also Out-of-Turn Comprehensive Plan Amendment S92-CW-3CP to Policy Plan, adopted 12/07/92.

**Grandfather** - The following are grandfathered from the provision of this amendment:

Mobile and land based telecommunication facilities which have received a favorable determination by the Planning Commission pursuant to Sect. 15.1-456 of the Code of Virginia and for which a site plan or site plan waiver request has been submitted to the County prior to the effective date of this amendment, provided however, that a building permit(s) for the structure(s) shown on the approved site plan or site plan waiver is issued within two (2) years of the date of approval of the site plan or site plan waiver, and provided further that the structure(s) containing the use is in fact constructed in accordance with such building permit(s).

**ZO-92-232 SITE PLANS** – Incorporated a state-mandated minimum 5 year period of validity for certain approved site plans. Provided consistency with State Code provisions regarding appeal of site plan decisions. **Adopted 12/14/91; Effective 12/14/91**

**Grandfather** – The provisions of Sect. 17-110, Site Plan Extensions, notwithstanding, after 06/30/98, no site plan approval shall be extended for more than two, twelve month periods.

**ZO-92-233 YARD REQUIREMENTS** – Revised provisions for extensions into rear yards for above ground level decks on certain single family attached dwelling unit lots. **Adopted/ 12/14/92; Effective 12/15/92**

**ZO-92-234 MINOR MODIFICATONS TO ZONING APPLICATIONS** – Allowed administrative approval of minor modifications and additions to approved rezonings, special exceptions and special permits. **Adopted 12/14/92; Effective 12/15/92**

**ZO-93-235 FAST FOOD RESTAURANTS** – Revised the restrictions on fast food restaurants permitted by SE in the PDC district. **Adopted 01/25/93; Effective 01/26/93**

**ZO-93-236 HOUSING FOR THE ELDERLY** – Provided a density bonus for elderly housing developments exempt from the affordable dwelling unit program under a housing for the elderly special exception use. **Adopted 01/25/93; Effective 01/26/93**

**ZO-93-237 SIGNS** – Allowed freestanding building identification signs on commercially zoned property within industrial parks. **Adopted 01/25/93; Effective 01/26/93**

**ZO-93-238 CHURCHES WITH DAY CARE/SCHOOLS GREATER THAN 100 ENROLLMENT** – Established as a special exception use. **Adopted 02/08/93; Effective 02/08/93**

**ZO-93-239 PRO RATA ROAD REIMBURSEMENT DISTRICTS** – Reference Subdivision Ordinance Pro Rata provisions and requires area designation and payment calculations as required information on site plans. **Adopted 03/08/93; Effective 03/08/93**

**Associated Amendment:** See amendment to Fairfax County Code Chapter 101, Subdivision Ordinance, adopted 11/12/92.

**ZO-93-240 SITE PLANS, AGREEMENTS, SECURITY AND FEES** – Required bonding of certain improvements at the time of construction permit issuance rather than as a requirement for site plan approval. **Adopted 03/08/93; Effective 03/09/93**

**ZO-93-241 OFF-STREET PARKING** – Revised applicability, excess space, compact space and medical office parking provisions. **Adopted 03/08/93; Effective 03/09/93**

**ZO-93-242 MINOR ADDITIONS TO APPROVED REZONINGS, SPECIAL EXCEPTIONS AND SPECIAL PERMITS** – Established two-tier approach for administrative approval of minor additions. **Adopted 03/22/93; Effective 03/23/93**

**ZO-93-243 CHESAPEAKE BAY** – Reference Chapter 118 of the County Code and required certain submission requirement information for site plans, rezoning, special exceptions, special permits and variances. **Adopted 04/26/93; Effective 07/01/93**

**Associated Amendments:** See amendments to Fairfax County Code Chapter 101, Subdivision Ordinance, Chapter 104, Erosion and Sedimentation Control Ordinance, Chapter 118, Chesapeake Bay Preservation Ordinance and the Public Facilities Manual, adopted on 04/12/93.

**Applicability** - In addition, the following shall apply:

- 1) Applicants for rezoning, special exception, special permit and variances pending as of the effective date (July 1, 1993 at 12:01 a.m.) need not submit

a new application but shall submit a revised development plan or plat reflecting the delineation of any Resource Protection Area and any Resource Management Area.

- 2) Except for those applications described in paragraph 1 above, the amendments shall take effect upon the effective date and Exception Provisions contained in Chapter 118 shall apply; provided however, that the provisions of Va. Code Section 15.1-475(H) (1992 supplement) shall control should such provisions conflict with the provisions of Chapter 118 or an exception request filed pursuant thereto.

**ZO-93-244 MINOR MODIFICATIONS TO A NONCONFORMITY** – Established special exception use to allow structural alterations to a nonconformity impacted by a public improvement acquisition. **Adopted 04/26/93; Effective 04/27/93**

**ZO-93-245 SIGN REGULATIONS** – Revised building-mounted sign area and established special exception to allow increase in sign area and height and change in sign location in C and I districts. **Adopted 04/26/93; Effective 04/27/93**

**ZO-93-246 AGREEMENTS, SECURITY AND FEES** – Adjusted fee schedule for site plans and other studies and requests. **Adopted 06/07/93; Effective 07/01/93**

**Associated Amendments:** See amendments to Fairfax County Code Chapter 2, Property Under County Control, Chapter 61, Building Provisions, and Chapter 104, Erosion and Sedimentation Ordinance.

**ZO-93-247 CHURCHES WITH DAY CARE/SCHOOLS GREATER THAN 100 ENROLLMENT** – Established as a special permit use. **Adopted 6/7/93 Effective 6/7/93**

**ZO-93-248 LIMITATIONS ON REHEARING** – Imposed 12 month rehearing limitation on withdrawn applications. **Adopted 07/26/93; Effective 07/27/93**

**ZO-93-249 VARIANCE APPLICATION FEE FOR RESIDENTIAL ACCESSORY STRUCTURES** – Reduced fee from \$990 to \$110. **Adopted 09/27/93; Effective 09/28/93**

**ZO-93-250 CIVIL PENALTIES** – Increased fines in accordance with Code of Virginia. **Adopted 10/11/93; Effective 10/12/93**

**ZO-93-251 OFF-STREET PARKING** – Revised shopping center parking requirement, modified definition of gross floor area for parking purposes and revised shopping center definition. **Adopted 10/11/93; Effective 10/12/93**

**ZO-93-252 PROPERTY LINE ADJUSTMENT** – Provided for certain minor lot line adjustments for lots which were legally established but no longer conformed with current zoning requirements. **Adopted 11/15/93; Effective 11/16/93**

**Associated Amendment:** See amendment to Fairfax County Code Chapter 101, Subdivision Ordinance.

**ZO-93-253 WAIVER OF DUSTLESS SURFACE** – Deleted special permit requirement and allows the Director to modify or waive the dustless surface requirement. **Adopted 11/22/93; Effective 11/23/93**

**Associated Amendment:** See also amendment to the Public Facilities Manual, Sect. 7-500 and 7-0802.

**ZO-93-254 PDH DISTRICTS** – Allowed Board flexibility to approve an increase in commercial land area. **Adopted 12/13/93; Effective 12/14/93**

**ZO-94-255 HOURS OF OPERATION FOR GROUP 1 SPECIAL PERMIT USES** – Allowed BZA to modify hours of operation for Group 1 Extraction and Excavation special permit uses. **Adopted 01/10/94; Effective 01/11/94**

**ZO-94-256 PUBLIC COMMUTER PARK AND RIDE LOTS** – Allowed required off-street parking spaces to be used for public commuter park and ride lots. **Adopted 02/28/94; Effective 03/01/94**

**ZO-94-257 ARTICLES 1 AND 18** – Revised the Purpose and Intent and notice provisions for public hearings and added the requirement for all written notices of violation and orders of the Zoning Administrator to include possible appeal rights. **Adopted 02/28/94; Effective 03/01/94**

**ZO-94-258 HOME OCCUPATIONS** – Provided for one non-resident employee for home occupations and strengthened limitations on all home occupation uses. **Adopted 06/06/94; Effective 06/07/94**

**ZO-94-259 AS-BUILT PLANS AND CERTIFICATES OF COMPLETION** – Revised items to be required on as-built subdivision and site plans and on as-built house location plats for single-family detached dwellings. Deleted requirement for all references to a Certificate of Completion. **Adopted 06/27/94; Effective 06/28/94**

**Associated Amendment:** See amendment to Fairfax County Code Chapter 101, Subdivision Regulations, 25-94-101, adopted simultaneously on 06/27/94.

**ZO-94-260 MINOR LOT LINE ADJUSTMENTS** – Revised regulations pertaining to the minor adjustment of lot lines for certain lots, which although legally established, were not in conformance with zoning district requirements. **Adopted 08/08/94; Effective 08/09/94**

**ZO-94-261 LOT AND YARD REGULATIONS** – Revised yard requirements applicable to areas around transit facilities and other areas in the County. **Adopted 09/12/94; Effective 09/13/94**

**ZO-94-262 RECYCLING** – Established a new use for a mixed waste reclamation facility and allowed its establishment in the I-6 District with a special exception. **Adopted 09/26/94; Effective 09/27/94**

**ZO-94-263 PRC DISTRICT** – Revised the plan requirements and procedures for development in the PRC District. **Adopted 12/05/94; Effective 12/06/94**

**Grandfather** - The following are grandfathered from the provision of this amendment:

Preliminary site plans which have been filed and accepted prior to 12:01 a.m., December 6, 1994 shall not be subject to the revised submission, notice and posting requirements; however, all other provisions shall apply.

**ZO-94-264 HISTORIC OVERLAY DISTRICT** – Revised historic overlay district and Architectural Review Board provisions to conform to requirements for national/state Certification Local Government Program and to reflect recent changes to State Code. Created district-specific guidelines for new construction. **Adopted 12/05/94; Effective 12/06/94**

**ZO-94-265 SULLY HISTORIC OVERLAY DISTRICT** – Permitted outdoor storage in association with warehousing establishments in the I-5 and I-6 Districts. **Adopted 12/05/94; Effective 12/06/94**

**ZO-95-266 VEHICLE LIGHT SERVICE ESTABLISHMENTS AND CAR WASHES** – Allowed vehicle light service establishments and car washes as special exception uses in the C-5 district and vehicle light service establishments by final development plan or special exception approval in the PDH and PDC Districts. **Adopted 01-09-95; Effective 01/10/95**

**ZO-95-267 SITE PLANS** – Provided a comprehensive revision of the general requirements for site plans, established minor site plans, and created a new chapter of the County Code for public improvement plans. **Adopted 01/23/95; Effective 01/24/95**

**Associated Amendment:** See also new Fairfax County Code Chapter 120, Public Improvement Plans.

**Grandfather** - The following are grandfathered from the provisions of this amendment:

1. All site plans submitted prior to the effective date of this amendment may either provide notice in accordance with the notice provisions in effect prior to the amendment, or as set forth in Sect. 17-107 of the amendment.
2. Site plan waivers and exceptions approved on or before the effective date of this amendment shall continue to be valid and shall require no new approvals under this amendment. Site plan waivers and exceptions pending as of the effective date of this amendment may continue to be processed without the submission of a new minor site plan provided such waiver or exception is approved within six months of the effective date of this amendment.

- ZO-95-268 OCCUPANCY OF A DWELLING UNIT** – Allowed a dwelling unit to be occupied by a family group of two unrelated adults and their dependent children up to a total of six children. **Adopted 02/13/95; Effective 02/14/95**
- ZO-95-269 DENSITY/INTENSITY** – Revised the density/intensity credit provisions to allow administrative approval of staff of credit in advance of development and to allow credit for any type of public street right-of-way dedication. **Adopted 02/27/95; Effective 02/28/95**
- ZO-95-270 RETAIL IN I DISTRICT** – Allowed for retail uses in the I-4, I-5 and I-6 Districts as an associated use to warehousing and certain other uses by special exception in the I-4 and I-5 Districts. **Adopted 03/27/95; Effective 03/28/95**
- ZO-95-271 FLOOR AREA RATIO** – Increased Floor Area Ratio limitations by 0.05 for public uses in the R-A through R-4 Districts. **Adopted 04/17/95; Effective 04/18/95**
- ZO-95-272 NOTIFICATION REQUIREMENTS** – Required notification to adjoining jurisdictions for a zoning map amendment, special exception, special permit or variance application. **Adopted 05/01/95; Effective 07/01/95**
- ZO-95-273 VARIANCES** – Permitted Zoning Administrator to modify or waive submission requirements relating to a variance plat. **Adopted 05/22/95; Effective 05/23/95**
- ZO-95-274 VETERINARY HOSPITALS** – Allowed veterinary hospitals by right in the C-5 District. **Adopted 06/05/95; Effective 06/06/95**
- ZO-95-275 PIPELINES** – Revised and established regulations for major underground pipeline utilities. **Adopted 06/26/95; Effective 06/27/95**

**Associated Amendments:** See also amendment to Comprehensive Plan (Policy Plan) S95-CW-ICP, Chapter 101 of the Fairfax County Code, Subdivision Ordinance 101-2-2 and Public Facilities Manual, Sect. 2-0201, 2-0404 and 7-0803, adopted simultaneously on 6/26/95.

**Grandfather** - The following are grandfathered from the provisions of this amendment:

Preliminary subdivision plats which have been approved prior to and which are valid as of the effective date of this amendment shall be grandfathered from the provisions of Par. 6 of Sect. 2-306 provided that within twelve (12) months of the effective date of this amendment the final subdivision plat is approved and recorded among the land records of Fairfax County, and further provided, that under Part 4 of Article 1, proffered rezonings which have plans or conditions which conflict with the revised provisions of Par. 6 of Sect. 2-306 shall be grandfathered from that paragraph.

**ZO-95-276 EATING ESTABLISHMENTS** – Allowed eating establishments by right in the C-3 and C-4 Districts. **Adopted 07/17/95 Effective 07/18/95**

**ZO-95-277 SP/SE RENEWALS** – Deleted separate application process for the renewal of special permit and special exception uses and incorporated the renewal process into the amendment application process. **Adopted 07/31/95; Effective 08/01/95**

**ZO-95-278 EDITORIAL REVISIONS** – Corrected a number of minor editorial inconsistencies and corrected outdated references to the Virginia Department of Transportation. **Adopted 07/31/95; Effective 08/01/95**

**ZO-95-279 VEHICLE RENTALS** – Allowed the establishment of vehicle rentals by special exception in the C-3, C-4, I-3, I-4 and I-5 Districts. **Adopted 10/16/95; Effective 10/17/95**

**ZO-95-280 SIGNS** – Allowed an individual enterprise not located within a shopping center and located on a major thoroughfare in a Sign Control Overlay District to have a freestanding sign. **Adopted 10/16/95; Effective 10/17/95**

**ZO-95-281 MANUFACTURED HOMES** – Required the deletion of the minimum width requirement of 19 feet from manufactured homes in agricultural districts. **Adopted 10/16/95; Effective 10/17/95**

**Associated Amendment:** See also Out-of-Turn Comprehensive Plan amendment S95-III-BR1 for the NW quadrant of the intersection of Compton Road and Centreville Road (Sully District).

**ZO-95-282 APPEALS** – Revised the provisions of appeal applications. **Adopted 10/16/95; Effective 10/17/95**

**ZO-95-283 SIGNS** – Deleted billboards as a special exception use. **Adopted 10/30/95; Effective 10/31/95**

**ZO-96-284 FEES** – Revised fees for site plans. **Adopted 04/29/96; Effective 07/01/96**

**Associated Amendments:** See also amendments to Fairfax County Code Chapter 2, Property Under County Control, 12-96-2, Chapter 101, Subdivision Ordinance, 13-96-101 and Chapter 104, Erosion and Sedimentation Control, 14-96-104, adopted simultaneously on 4/29/96.

**ZO-96-285 ZONING FEE SCHEDULE** – Revised filing fees for zoning applications and established a new fee for zoning compliance letters. **Adopted 07/08/96; Effective 07/09/96**

**Associated Amendments:** See also amendments to Fairfax County Code Chapter 2, Property Under County Control, Chapter 101, Subdivision Ordinance and Chapter 104, Erosion and Sedimentation Control, adopted simultaneously on 7/8/96 (Revises DEM fees).

**ZO-96-286 CONVENTION/CONFERENCE CENTER IN PRC DISTRICT**– Allowed consideration of a mixed use development with high density residential, hotel, office, etc. in an area designated for a convention/conference center in the PRC District. **Adopted 07/22/96; Effective 07/23/96**

**Associated Amendment:** See also Out-of-Turn Comprehensive Plan Amendment S96-III-WP1 for the Reston Sheraton (Hunter Mill District).

**ZO-96-287 ACCESSIBILITY IMPROVEMENT** – Revised accessibility provisions to accommodate a change to the Virginia Uniform Statewide Building Code and to provide for access improvements for uses such as non-conformities. **Adopted 08/05/96; Effective 08/06/96.**

**Associated Amendment** - Also see Public Facilities Manual Amendment 54-96-PFM adopted simultaneously on 8/5/96.

**ZO-96-288 FLOODPLAIN REGULATIONS** – Added the requirement for Federal Emergency Management Agency’s Elevation Certificates and Floodproofing Certificates and revised provisions for accessory structures and additions for single family dwellings. **Adopted 09/09/96; Effective 09/10/96**

**ZO-96-289 SPECIAL PERMITS** – Revised provisions for Group 8 temporary special permits for temporary mobile and land based telecommunications testing facilities. **Adopted 09/09/96; Effective 09/10/96**

**ZO-96-290 TELECOMMUNICATIONS** – Revised provisions of Group 8 special permits to allow testing for 12 hours or less by right. **Adopted 11/18/96; Effective 11/19/96**

**ZO-96-291 TELECOMMUNICATIONS** – Provided additional guidance for determining “feature shown” locations and criteria for evaluating the siting of

telecommunications facilities. Established siting criteria for new monopoles and towers. **Adopted 11/18/96; Effective 11/19/96**

**Associated Amendment:** See also amendment to the Comprehensive Plan (Policy Plan) S96-CW-3CP.

**ZO-96-292 METRIC REQUIREMENTS** – Required metric measurements on site plans and both English and metric measurements on zoning applications. Deleted references to the County Soil Science Office. **Adopted 12/02/96; Effective 8/1/97 (Soil Science Office deletion Effective 12/3/96)**

**Associated Amendment:** See also amendments to Fairfax County Code Chapter 101, Subdivision Ordinance and to the Public Facilities Manual, dated 7/8/96.

**ZO-96-293 DEVELOPMENT PLANS** – Deleted requirements related to preliminary subdivision plats and requirements to submit a preliminary plat. **Adopted 12/09/96; Effective 12/10/96.**

**Associated Amendment:** See also amendment to Fairfax County Code Chapter 101, Subdivision Ordinance 47-96-101 adopted simultaneously on 1/6/97.

**Grandfather** - The following are grandfathered from the provisions of this amendment:

Generalized, conceptual or final development plans which were accepted prior to the effective date of this amendment shall be grandfathered from the requirement for the plan to be certified by a professional engineer, architect, landscape architect or land surveyor authorized to practice as such by the State.

**ZO-97-294 SERVICE STATIONS/MINI-MARTS** – Established new use of service stations/mini-marts allowed by special exception or development plan in the C-5 through C-9, I-5, I-6, PDH, PDC, and PRC Districts. Provided for a limited retail sales area and deleted the provision that a combination service station/car wash be considered a car wash. **Adopted 01/27/97; Effective 01/28/97**

**ZO-97-295 OFF-STREET PARKING** – Provided for reductions, upon Board approval, for projects which have proffered TDM programs and for hotel and/or conference/convention uses in proximity to an airport. Allowed valet parking in lieu of required on-site parking. **Adopted 02/24/97; Effective 02/25/97**

**ZO-97-296 PDH AND PDC RECREATIONAL FEE** – Increased per unit expenditure for recreational facilities from \$300 to \$955, added option for off-site contribution, and deleted option to allow a cash contribution for use by a future on-site homeowner's association. **Adopted 04/07/97; Effective 04/07/97**

**Grandfather** - The following are grandfathered from the provisions of this amendment:

Rezoning for PDH and PDC Districts containing a residential component approved prior to the effective date of this amendment shall be grandfathered from the requirements of this amendment, however, proffered condition amendments which propose to add dwelling units shall be subject to the requirements of this amendment for the additional density.

**ZO-97-297 AIRPORT NOISE IMPACT OVERLAY DISTRICT** – Revised Policy Plan, Area III, and Comprehensive Plan Map and Zoning Ordinance to address updated noise contours for Dulles Airport. **Adopted 04/07/97; Effective 04/08/97**

**Associated Amendment:** See also amendment to the Comprehensive Plan S96-CW-4CP for Area III, Planning Sector BR2, Upper Cub Run Community and Planning Sector BR3, Flatlick Community.

**ZO-97-298 MINIATURE GOLF COURSES** – Established a new Group 6 special permit use of miniature golf courses as ancillary use to a golf driving range allowed by special permit in the R-E, R-1 and C-5 Districts. Also allowed as special permit use in the Dranesville Historic Overlay District. **Adopted 06/09/97; Effective 06/10/97**

**ZO-97-299 QUASI-PUBLIC ATHLETIC FIELDS** – Allowed quasi-public athletic fields by right as an interim use in the C-1 thru C-9 and the I-1 thru I-6 Districts. **Adopted 07/07/97; Effective 07/08/97**

**ZO-97-300 TELECOMMUNICATIONS** – Revised requirements for antenna installation in utility easements, red marker lights and monopole color. **Adopted 08/04/97; Effective 08/05/97**

**ZO-97-301 BINGO GAMES AND RAFFLES** – Deleted all references to Chapter 24, Bingo Games and Raffles and added a reference to the Code of Virginia charitable gaming regulations. **Adopted 10/27/97; Effective 10/27/97**

**ZO-97-302 RECODIFICATION** – Updates the references to the Code of Virginia which are necessitated by the recodification of Title 15.1 of the Code of Virginia to Title 15.2. **Adopted 10/06/97; Effective 12/01/97**

**ZO-97-303 EDITORIAL REVISIONS** – Corrects a number of inconsistencies and oversights which have resulted from the adoption of previous amendments and updates references to State and County agencies. **Adopted 10/06/97; Effective 10/07/97**

- ZO-97-304 TRUCK RENTAL ESTABLISHMENTS** – Established new use of truck rental establishments by right in I-5 and I-6 and by special exception as an ancillary use in the C-5 thru C-8 Districts. **Adopted 11/17/97; Effective 11/18/97**
- ZO-98-305 ADA** – Deleted reference to Americans with Disabilities Act and the Federal Fair Housing Accessibility Guidelines. **Adopted 03/09/98; Effective 04/15/98.**
- Associated Amendment** - Also see Public Facilities Manual Amendment 61-98-PFM adopted simultaneously on 03/09/98
- ZO-98-306 AFFORDABLE DWELLING UNIT** – Comprehensive amendment to the affordable dwelling unit provisions which affects applicability, exemptions, administration and calculation of affordable dwelling units. **Adopted 03/30/98; Effective 03/31/98**
- Associated Amendment:** Amendment to Chapter 101 of the Fairfax County Code, Subdivision Ordinance 04-98-101, adopted simultaneously on 3/30/98.
- ZO-98-307 PLAT SUBMISSION REQUIREMENTS** – Revises plat submission requirements for a special permit for error in building location and a variance of minimum yard requirements for dwellings and editorial revisions. **Adopted 06/08/98; Effective 06/09/98**
- ZO-98-308 HEALTH DEPARTMENT REPORTS AND DETERMINATIONS** – Deletes provisions which require a report or determination from the County Health Department for home child care centers, nursery schools and private schools. **Adopted 08/03/98; Effective 08/04/98**
- Associated Amendment:** See also amendment to Chapter 30 of the Fairfax County Code, Minimum Private School and Child care facility Standards, adopted on 10/14/96.
- ZO-98-309 REVITALIZATION DISTRICTS** – Established new Commercial Revitalization Districts in Article 7, added a new special exception use of Modifications/Waivers/Increases and Uses in a Commercial Revitalization District and added a new Appendix 7, Commercial Revitalization Districts. **Adopted 10/12/98; Effective 10/13/98.**
- Associated Amendment:** Also see RZ 1998-MD-037 for the establishment of the boundaries of the Commercial Revitalization Districts on the Zoning Map.
- ZO-98-310 WRITTEN NOTIFICATION REQUIREMENTS FOR PUBLIC HEARINGS ON REZONING APPLICATIONS** – Requires written notice to abutting and adjacent property owners for all rezoning applications, regardless of the number of parcels, in accordance with a 1996 Code of Virginia amendment. **Adopted 11/16/98; Effective 11/17/98**

- ZO-98-311 BED AND BREAKFASTS** – Established a bed and breakfast use by special exception in older structures, constructed prior to 1949, in the R-P through R-2 Districts and the PDC and PRC Districts. **Adopted 11/16/98; Effective 11/17/98**
- ZO-98-312 MINOR MODIFICATIONS AND ADDITONS TO APPROVED REZONINGS, SPECIAL EXCEPTION AND SPECIAL PERMITS** – Increases the size of a building addition and clarifies the parameters of a building addition that may be administratively approved by the Zoning Administrator as a minor modification to an approved rezoning, special exception or special permit. **Adopted 11/16/98; Effective 11/17/98**
- ZO-98-313 AMATEUR RADIO ANTENNAS** – Allows an amateur radio antenna structure between 65 and 75 feet in height in residential districts to be setback from any lot line a distance equal to 1/5 of its height which is consistent with the setback for structures under 65 feet in height. **Adopted 11/16/98; Effective 11/17/98**
- ZO-98-314 KENNELS AND VETERINARY HOSPITALS** – Allows indoor kennels by right in the C-5 through C-9 Districts, I-3 through I-6 Districts and P Districts: allows kennels with outdoor facilities as a special permit use in the I-3 through I-6 Districts and permits veterinary hospitals by right in the I-3 through I-6 Districts. **Adopted 11/16/98; Effective 11/17/98**
- ZO-98-315 REVISIONS TO REFLECT COUNTY AGENCY NAME CHANGES** – Changes DEM and DPW references to DPWES and change OCP references to DPZ. **Adopted 11/23/98; Effective 11/24/98**
- ZO-99-316 EXISTING VEGETATION MAPS** – Adds an existing vegetation map as a submission requirement for certain rezoning, special exception, special permit and variance applications. **Adopted 03/22/99; Effective 07/01/99**
- Associated Amendment:** See also amendment to the Public Facilities Manual 66-99-PFM, adopted simultaneously on 3/22/99.
- ZO-99-317 DRIVE-THROUGH PHARMACIES** – Allows drive-through pharmacies by right in the C-5 through C-9 Districts when the use is not abutting or across a local or collector street from property that is residentially zoned and developed or vacant. In other circumstances special exception approval is required. Allowed in P districts if shown on an approved development plan or by special exception. **Adopted 05/10/99; Effective 05/11/99**
- ZO-99-318 SPECIAL PERMIT AND SPECIAL EXCEPTION USES IN C AND I DISTRICTS** – Revises certain special permit and special exception uses to by right uses in the C-3 through C-8 Districts and revises the use limitations in the C-3, C-4 and I-1 through I-4 Districts to allow limited outside activities. **Adopted 05/24/99; Effective 05/25/99**

**ZO-99-319 BED AND BREAKFASTS** – Revises the additional standards for bed and breakfast special exception uses to delete the age of structure restriction; to require compliance with lot size and bulk regulations and require a determination that the use will not adversely impact surrounding area. **Adopted 05/24/99; Effective 05/25/99**

**ZO-99-320 METRIC** – Deleted the metric unit submission requirement on zoning applications. Added option for site plans to be submitted in English equivalent to metric measurements. **Adopted 06/28/99; Effective 07/01/99**

**Associated Amendment:** See also amendment to the Public Facilities Manual 67-99-PFM and Chapter 101 of the Fairfax County Code, Subdivision Ordinance 22-99-101, adopted simultaneously on 6/28/99.

**ZO-99-321 PARTIAL AMENDMENTS** – Clarifies that an amendment application may be filed on a portion of the property subject to proffered condition, development plan, special exception or special permit approval and other minor revisions regarding P District approvals and processes. **Adopted 06/28/99; Effective 06/29/99**

**ZO-99-322 DWELLING UNITS IN CONJUNCTION WITH SPECIAL EXCEPTION AND SPECIAL PERMIT USES** – Allow in conjunction with the approval of a special exception or special permit use, dwelling units for the proprietor, owner and/or employee and his/her family whose business or employment is directly related to the special exception or special permit use. **Adopted 11/15/99; Effective 11/16/99**

**ZO-99-323 ZONING VIOLATIONS AND PENALTIES** – Incorporates increased penalties for criminal misdemeanors of the Zoning Ordinance. **Adopted 11/15/99; Effective 11/16/99**

**ZO-00-324 MASSAGE** – Revises regulations for massage to delete special permit requirement and to allow by right wherever office uses are permitted. Revised definition of massage and personal service establishments. **Adopted 2/7/00; Effective 3/8/00**

**Associated Amendments:** Also see amendments to Fairfax County Code Chapter 10, Consumer Protection, 10-00-10J, repealed Chapter 28, Massage Establishments, 08-00-28, and adopted Chapter 28.1, Message Establishments, 09-00-28.1 and other associated revisions to Chapter 28.1 of the Fairfax County Code, adopted simultaneously on 2/07/00.

- ZO-00-325 PARTIAL BUILDING PERMITS** – Revises provisions to allow for zoning approval of a Building Permit prior to site plan submission when such Building Permit is authorized by the Building Permit, therefore do not require zoning approval of such permit. **Adopted 2/28/00; Effective 2/29/00**
- Associated Amendment:** See also amendment of Fairfax County Code Chapter 101, Subdivision Ordinance
- ZO-00-326 SHOPPING CENTER PARKING** – Revised parking rate for shopping centers of a million plus square feet, converted determinant for parking calculation from net floor area to gross floor area, revised parking rate for theaters in large shopping centers. **Adopted 3/13/00; Effective 3/14/00**
- ZO-00-327 SATELLITE DISHES** – Allows conventional television antenna and direct broadcast satellite dish and multipoint distribution dish antennas 39 inches or less in diameter or diagonal measurement in any yard subject to the sight distance triangle provisions. **Adopted 03/27/00; Effective 03/28/00**
- ZO-00-328 VEHICLE TRANSPORTATION SERVICE ESTABLISHMENTS** – Establishes a new vehicle transportation service establishment use to be allowed in certain retail commercial, planned development and industrial districts and modifies the provisions pertaining to the sale and rental of pick-up trucks, boats, trailers and recreational vehicles. **Adopted 03/27/00; Effective 03/28/00**
- ZO-00-329 MINOR MODIFICATIONS TO PLACES OF WORSHIP** – Allows the administrative approval of larger expansions to places of worship then are now allowed as a minor modification to a previously approved special exception, special permit or rezoning and allows the administrative approval of minor modifications to places of worship which were approved by right and are not subject to special exception or special permit approval. **Adopted 4/24/00; Effective 4/25/00**
- ZO-00-330 NOISE BARRIERS** – Permits noise barriers which reduce adverse impacts of highway noise on properties located adjacent to major thoroughfares, or noise impacts of commercial and industrial uses on adjacent properties, with the approval of a proffered rezoning or special exception application by the Board of Supervisors, or with the approval of a special permit by the BZA. **Adopted 07/24/00; Effective 07/25/00**
- ZO-00-331 SITE PLAN NOTICE REQUIREMENTS** – Incorporates a notification requirement for offsite property owners on whose land work is proposed within existing utility easements and reduces site plan approval times if all parties required to be noticed execute releases. **Adopted 10/16/00; Effective 10/17/00**

**Associated Amendment:** See also amendment to Fairfax County Code Chapter 101, Subdivision Ordinance, 37-00-101, adopted simultaneously on 10/16/00.

**Grandfather** - The following are grandfathered from the provisions of this amendment:

All site plans submitted prior to the effective date of this amendment and which met the applicable notice requirements prior to the effective date of this amendment shall be grandfathered from the requirements of this amendment.

**ZO-00-332 GROSS FLOOR AREA** – Excludes enclosed or structural pedestrian walkways and penthouses enclosing only mechanical equipment from the definition of gross floor area. **Adopted 12/11/00; Effective 12/12/00**

**ZO-00-333 VIRGINIA COORDINATE SYSTEM OF 1983 (VCS 83)** – Deletes the option of relating site plans to true north and requires new boundary surveys to be related to VCS 83. **Adopted 12/11/00; Effective 12/12/00**

**Associated Amendments** - See also amendment to Fairfax County Code Chapter 101, Subdivision Ordinance 42-00-101 and to Public Facilities Manual 70-00-PFM adopted simultaneously on 12/11/00.

**Grandfather** - The following are grandfathered from the provisions of this amendment:

Future subdivision plan submissions for which the preliminary plat was submitted prior to 12:01 a.m., March 15, 2001, provided that such plats and plans are approved no later than October 1, 2001; subdivision plats, subdivision plans, and site plans submitted prior to 12:01 a.m., March 15, 2001, provided that such plats and plans are approved no later than October 1, 2001.

**ZO-01-334 PLANNED RESIDENTIAL MIXED USE DISTRICT (PRM)** – Establishes the new PRM District which allows high density residential uses or a mix of high density residential uses and commercial uses in areas designated for such uses in the Comprehensive Plan. **Adopted 1/8/01; Effective 1/9/01**

**ZO-01-335 MOBILE AND LAND BASED TELECOMMUNICATION FACILITIES** – Increases the maximum allowable size of an equipment cabinet or structure used in association with antennas mounted on utility distribution and transmission poles located in an utility easement or right-of-way which is 100 feet or more in width. **Adopted 1/22/01; Effective 1/23/01**

**ZO-01-336 NOISE BARRIER SPECIAL PERMIT APPLICATION FEE** – Reduces the Group 9 special permit application fee for noise barriers on individual lots from \$2970 to \$165. **Adopted 2/26/01; Effective 2/27/01**

**ZO-01-337 GROUP 3 INSTITUTIONAL AND GROUP 6 OUTDOOR RECREATIONAL SPECIAL PERMIT USES** – Establishes a special

exception requirement for some of the Group 3 institutional, Group 4 community and Group 6 outdoor recreation special permit uses, thereby requiring Board of Supervisors' approval in lieu of the BZA. (eliminated child care centers/nursery schools as a special permit use) **Adopted 06/25/01; Effective 10/24/01**

**ZO-01-338 DEVELOPMENT PLANS** – Increases the number of development plans required for submission with a rezoning application from 22 to 23 to provide a copy for Fairfax County Water Authority review. **Adopted 10/22/01; Effective 10/23/01**

**ZO-02-339 PLANT NURSERIES** – Expands list of accessory retail sales items, established limits on sales area for seasonal/holiday decorations and artificial dried flowers and plants, modified definitions of plant nursery and agriculture, and created additional standards governing landscape contracting services, special events/festivals/classes and parking. **Adopted 01/07/02; Effective 01/08/02**

**ZO-02-340 DRY CLEANERS/LAUNDRIES** - Establishes a garment cleaning establishment use to be allowed in the C-5 through C-9 districts and the commercial areas of the P districts, with a size limitation of 3,000 sq. ft. of gross floor area, and provides for laundries/laundromats and cleaning pickup stations as personal service establishment uses. **Adopted 01/28/02; Effective 01/29/02**

**ZO-02-341 TREE PRESERVATION AND PLANTING** – Addresses issues related to tree preservation and planting and tree cover requirements. **Adopted 2/11/02; Effective 4/15/02**

**Associated Amendments** - See also amendment to Fairfax County Code Chapter 101, Subdivision Ordinance 09-02-101 and Public Facilities Manual 73-02-PFM, adopted simultaneously on 2/11/02.

**ZO-02-342 HOME CHILD CARE FACILITY** – Allows one nonresident employee in a home child care facility by right with additional nonresident employees allowed by special permit. Requires the resident provider to be on the premises while the facility is in operation except in emergency situations. **Adopted 3/18/02; Effective 3/19/02**

**ZO-02-343 VEHICLE PARKING IN FRONT YARDS FOR SINGLE FAMILY DETACHED DWELLINGS** - Limits, in the R-1, R-2, R-3 and R-4 Districts, the amount of paving or surfaced area that can occur in the front yards of single family detached dwellings and requires that parking for vehicles or trailers in the front yard must be on a surfaced area. **Adopted 6/3/02; Effective 6/4/02**

**ZO-02-344 EDITORIAL REVISIONS** – Corrects a number of inconsistencies and errors caused by previously adopted amendments. **Adopted 6/17/02; Effective 6/18/02**

- ZO-02-345 AFFORDABLE DWELLING UNITS** – Allows voluntary participation in the Affordable Dwelling Unit Program, specifies required documentation and timing of submission of such documents, modifies the limits on the issuance of Building Permits and residential use permits, grants authority to Housing Authority or non-profit to cure default or acquire unit, and various other clarifications. **Adopted 7/1/02; Effective 7/2/02**
- ZO-02-346 FUNERAL CHAPELS AND FUNERAL HOMES IN INDUSTRIAL DISTRICTS** - Allows funeral chapels by right in the I-1 through I-6 Districts and allows funeral homes by right in the I-4, I-5 and I-6 Districts. **Adopted 12/9/02; Effective 12/10/02**
- ZO-02-347 COMMERCIAL REVITALIZATION DISTRICT/AREA IDENTIFICATION SIGNS** – Increases the maximum allowable sign area and sign height for geographic identification signs in the Commercial Revitalization Districts/Areas. **Adopted 12/9/02; Effective 12/10/02**
- ZO-03-348 ZONING FEE SCHEDULE**– Increases filing fees for zoning applications and establishes a new fee for Non-Residential Use Permits. **Adopted 4/28/03; Effective 7/1/03**
- ZO-03-349 COMMERCIAL REVITALIZATION DISTRICTS/AREA – OFF-STREET PARKING** - Revises the minimum off-street parking requirements for non-residential uses in all the commercial revitalization districts except Richmond Highway, from an automatic 20% parking reduction to up to a 20% reduction approved by the Board when it is demonstrated such reduction is in furtherance of the Commercial Revitalization District goals in the adopted Comprehensive Plan. Also allows such a Board approved reduction in the Lake Anne Commercial Revitalization Area. **Adopted 4/28/03; Effective 4/29/03**
- Grandfather** - The following are grandfathered from the provisions of this amendment:
- Rezoning, special exceptions, special permits, site plans and parking tabulations approved prior to 12:01 a.m., April 29, 2003; and site plans and parking tabulations filed prior to 12:01 a.m. April 29, 2003.
- ZO-03-350 SIGNS FOR PLACES OF WORSHIP** – For places of worship in all R districts subject to a special exception or special permit or in a residential area of a P district, allows a second freestanding sign when more than one congregation shares the same facility. **Adopted 4/28/03; Effective 4/29/03**
- ZO-03-351 HOUSING FOR THE ELDERLY** – Renamed and defined the special exception use of Housing for the Elderly as Independent Living Facility and revised additional standards, particularly relative to affordability. Also renamed and defined the special exception use of Institutions Providing Housing and General

Care for the Indigent, Orphans and the Like as Congregate Living Facilities and defined assisted living facility, a type of Medical Care Facility. **Adopted 5/19/03; Effective 5/20/03**

**ZO-03-352 AFFORDABLE DWELLING UNITS** – Establishes a requirement for affordable dwelling units in mid-rise multiple family dwelling unit developments. **Adopted 5/19/03; Effective 1/31/04**

**ZO-03-353 TEMPORARY CONSTRUCTION/CONTRACTOR SIGNS** – Allows temporary contractor signs for home improvements to individual single family dwelling units and clarifies that new commercial and industrial developments may have a temporary sign advertising the new development and allows for temporary construction signs for additions and alterations. **Adopted 6/2/03; Effective 6/3/03**

**ZO-03-354 NEW VEHICLE STORAGE** – Allows new vehicle storage by right in the C-3, C-4, C-6, C-7, C-8, and C-9 Districts, the I-3 and I-4 Districts and the PDC District subject to use limitations. New vehicle storage is permitted by right without use limitations in the I-5 and I-6 Districts. **Adopted 6/16/03; Effective 6/17/03**

**ZO-03-355 OUTDOOR LIGHTING STANDARDS** – Comprehensive revision to replace the existing glare standards with new outdoor lighting standards and the addition of a new \$500 application fee for photometric plans or sports illumination plans when such plans are not submitted as part of a required site plan submission. **Adopted 6/16/03; Effective 6/17/03**

**Grandfather** - The following are grandfathered from the provisions of this amendment:

1. Special permits, special exceptions, proffered rezonings, or development plans accepted prior to the effective date of this amendment that contain specific conditions that conflict with the provisions of this amendment.
2. Building and site plans submitted on or before the effective date of this amendment, provided such plans are (a) approved within 12 months of the return of the initial submission to the applicant or agent, (b) the plan remains valid, (c) a building permit(s) for the structure(s) shown on the approved plan is issued and (d) the structures and uses are constructed in accordance with such building permit.

**ZO-03-356 CHESAPEAKE BAY PRESERVATION REGULATIONS** – Implements revisions to the Chesapeake Bay Preservation Regulations and incorporates a \$250 additional fee with the submission of any exception request requiring a public hearing under Article 6 of Chapter 118 of the County Code. **Adopted 7/7/03; Effective 11/18/03**

**Associated Amendments** – See also amendments to Fairfax County Code Chapter 101, Subdivision Ordinance 30-03-101; Chapter 24, Erosion and Sedimentation Control 31-03-104 and Chapter 118, Chesapeake Bay Preservation 32-03-118 and the Public Facilities Manual 79-03-PFM.

**ZO-03-357 VEHICLE RENTAL** – Allows vehicle rental establishments, subject to limitations, in the PDC District and Convention/Conference Center area of the PRC District with development plan or special exception approval. **Adopted 7/7/03; Effective 7/8/03**

**ZO-03-358 PORTABLE SIGNS** – Revises the portable sign provisions. **Adopted 7/7/03; Effective 7/8/03**

**ZO-03-359 MOBILE AND LAND BASED TELECOMMUNICATION FACILITIES** - Revises the mobile and land based telecommunication facility provisions. **Adopted 9/29/03; Effective 9/30/03**

**Associated Amendment:** See also amendment to Comprehensive Plan S03-CW-1CP adopted simultaneously on 9/29/03.

**Grandfather** - The following are grandfathered from the provisions of this amendment:

All mobile and land based telecommunication facilities that are subject to the provisions of Sect. 15.2-2232 of the Code of Virginia and have an application for Sect. 15.2-2232 review submitted to the Department of Planning and Zoning prior to the effective date of this amendment shall be grandfathered from the provisions of this amendment provided that:

1. The Sect. 15.2-2232 application is approved within 90 days of its submission or within 150 days of its submission when an extension is authorized by the Board of Supervisors pursuant to Par. F of Sect. 15.2-2232 of the Code of Virginia;
2. All necessary site plan and building permits are obtained;
3. A Non-Residential Use Permit is issued, and;
4. The telecommunication facilities are constructed in accordance with the Sect. 15.2-2232 approval.

**ZO-03-360 CIVIL PENALTIES** – Increases the civil penalty for violations of the Zoning Ordinance for subsequent offenses to \$250 and the overall maximum to \$5000 per violation. **Adopted 11/17/03; Effective 11/18/03**

**ZO-03-361 FIRE MARSHAL SITE PLAN REVIEW FEES** – Increases the Fire Marshal review fees for site plans from \$76 to \$96 per hour and changes the timing of the fee payment from at the time of site plan submission to prior to approval or within 120 days of submission, whichever comes first. **Adopted 12/8/03; Effective 12/9/03**

**Applicability** - Shall only be applicable for a site plan when first submission is submitted on or after the effective date of this amendment.

**Associated Amendment** – See also amendment to Fairfax County Code Chapter 101, Subdivision Ordinance 46-03-101, adopted simultaneously on 12/8/04.

**ZO-04-362 PERMITTED REDUCTION IN LOT SIZE FOR CERTAIN LOTS (BUILDABLE LOTS)** - Allows the issuance of Building Permits on certain lots that did not meet the zoning district requirements for minimum district size, lot area or lot width at the time of lot recordation, and do not meet the current zoning district requirements. **Adopted 3/8/04; Effective 3/9/04**

**Associated Amendment** - See also Subdivision Ordinance Amendment 11-01-101 adopted simultaneously on 3/8/04.

**ZO-04-363 STORMWATER MANAGEMENT FACILITY SUBMISSION REQUIREMENTS** - Revises stormwater management related submission requirements for special permit, special exception, rezoning and development plan applications to require information regarding the location, size and type of all stormwater management facilities and the adequacy of drainage downstream from the site. **Adopted 3/30/04; Effective 7/1/04**

**ZO-04-364 EDITORIAL AND OTHER MINOR REVISIONS** – Corrects a number of inconsistencies and errors which have resulted from the adoption of previous Zoning Ordinance amendments, makes other minor revisions that clarify existing provisions and does not alter the intent of the provisions beyond that which was intended by the Board of Supervisors in the adoption of the legislation. **Adopted 3/30/04; Effective 3/30/04**

**ZO-04-365 CLUSTER SUBDIVISIONS** – Allows cluster subdivisions in the R-C, R-E and R-1 Districts subject to special exception approval with a bonus density of up to 10%; allows cluster subdivisions in the R-3 and R-4 Districts with a minimum district size of 2 acres or greater but less than 3.5 acres subject to special exception approval and the potential for one bonus unit; and allows cluster subdivisions in the R-2 District with a minimum district size of 2 acres and in the R-3 and R-4 Districts with a minimum district size of 3.5 acres of greater by right with Director approval. **Adopted 6/8/04; Effective 7/1/04.**

**Associated Amendments** - See also amendments to Fairfax County Code Chapter 101, Subdivision Ordinance 17-04-101 and Public Facilities Manual 86-04-PFM, adopted simultaneously on 6/7/04.

- ZO-04-366 OFF-STREET PARKING LOCATION RELATIVE TO THE FRONT LOT LINE** –Clarifies that the 10 foot setback requirement between off-street parking spaces and the front lot line does not apply to single family dwellings and allows the Board, in conjunction with the approval of a rezoning or special exception application, to waive the 10 foot setback requirement at the same time as waiving or modifying the 10 foot wide peripheral parking lot landscaping requirement. **Adopted 7/13/04; Effective 7/13/04**
- ZO-04-367 SULLY HISTORIC OVERLAY DISTRICT** - Amend the Sully Historic Overlay District to: (1) permit all dwelling types; (2) clarify the permitted commercial uses; (3) clarify that all uses permitted in the I-4 District are permitted; and (4) permit an increase in maximum allowable building height from 35 to 60 feet and establish a maximum actual building height of 65 feet with special exception approval. **Adopted 7/26/04; Effective 7/27/04**
- ZO-04-368 AFFORDABLE DWELLING UNIT** – Amends the Affordable Dwelling Unit (ADU) Program provisions to: (1) clarify the number of required ADUs in mid-rise multiple family dwelling unit developments that opt into the ADU program; (2) establish the deadline for submitting the Notice of Availability and Sales Offering Agreement; (3) set forth that 50% of certain proceeds from the foreclosure sale of certain ADUs shall be contributed to the Fairfax County Housing Trust Fund; (4) allow a brokerage fee to be paid for the resale of an ADU; and (5) allow for certain increases in the sales price for the resale of an ADU. **Adopted 9/13//04; Effective 9/14/04**
- ZO-04-369 RECONSTRUCTION OF CERTAIN SINGLE FAMILY DWELLINGS THAT ARE DESTROYED BY CASUALTY** - Revises Sect. 15-101 pertaining to the reconstruction and/or enlargement of certain single family detached dwellings that are damaged or destroyed by casualty and establishes a special exception to allow the reduction of yard requirements for the reconstruction of certain single family detached dwellings that are destroyed by casualty. **Adopted 11/15/04; Effective 11/16/04**
- ZO-05-370 REMOVAL OF NONCONFORMING ABANDONED SIGNS** - Incorporates an option that allows the County to remove nonconforming abandoned signs and to charge the property owners the cost of such removal. **Adopted 3/7/05; Effective 3/8/05**
- ZO-05-371 SITE PLAN FEES** – Increases site plan review fees, except Fire Marshal fees, and increases site inspection fees incrementally in two different phases. **Adopted 4/4/05; Effective 7/1/05** with the subsequent revision to site inspection fees as set forth in the parentheses in the adopted text shall be effective 7/1/06.

**Applicability** - The revised fees shall be applicable to any submission after the effective dates.

**Associated Amendments** - See also amendments to Fairfax County Code Chapter 2, Property Under County Control 14-05-2, Chapter 101, Subdivision Ordinance 16-05-101, Chapter 61, Building Provisions 15-05-61 and Chapter 104, Erosion and Sedimentation Control 17-05-104, adopted simultaneously on 4/4/05.

- ZO-05-372 ZONING FEE SCHEDULE** – Increases fees for all zoning applications, appeals and zoning compliance letters by up to 55%. **Adopted 4/25/05; Effective 7/1/05**
- ZO-05-373 CONTAINMENT STRUCTURES ASSOCIATED WITH OUTDOOR RECREATION/SPORTS PLAYING FIELDS/COURTS AND GOLF COURSES** - Allows an increase in fence height and/or modification to the corresponding location regulations for containment structures associated with outdoor recreation/sports facilities playing fields/courts and golf courses when such structures are designed to preclude the flight of any ball or other sports equipment onto adjacent property as a special permit granted by the Board of Zoning Appeals or in conjunction with rezoning or special exception approval by the Board of Supervisors. **Adopted 7/11/05; Effective 7/12/05**
- ZO-05-374 ELECTRICALLY-POWERED REGIONAL RAIL TRANSIT FACILITIES** – (1) Establishes a new electrically-powered regional rail transit facilities use that requires special exception approval in most districts when located outside of an interstate or Dulles International Airport Access Highway (DIAAH) right-of-way, is permitted in all P districts when depicted on an approved development plan, and is permitted by right in any zoning district when located within an interstate or DIAAH right-of-way. (2) Establishes a new accessory electrically-powered regional rail transit facilities use that is permitted by right in all districts subject to conditions. (3) Adds a WMATA non-rail transit facilities definition. **Adopted 7/25/05; Effective 7/26/05**
- ZO-06-375 AFFIDAVITS** - Revise the affidavit submission requirements to no longer require affidavits for an application to amend the Zoning Map when such amendment constitutes a comprehensive zoning plan or an ordinance applicable throughout the County. **Adopted 1/9/06; Effective 1/10/06**
- ZO-06-376 SITE PLAN NOTIFICATION REQUIREMENTS** - Expands the public notification requirements for site plans by increasing the number and extent of adjoining property owners required to be notified; adding a requirement for notification of civic associations; and requiring additional descriptive information and a reduction of the site plan for the proposed development to be included in notices. **Adopted 2/6/06; Effective 2/7/06**

**Associated Amendment** - See also amendment to Fairfax County Code Chapter 101, Subdivision Ordinance 01-06-101, adopted simultaneously on 2/6/06.

**Grandfather** - The following plans shall be grandfathered from the provision of this amendment:

Site Plans, Public Improvement Plans, Preliminary Subdivision Plans, Final Subdivision Plats when a Preliminary Subdivision Plat and a Construction Plat are not required, and Subdivision Construction Plans when a Preliminary Subdivision Plat is not required' provided that such plan complies fully with the notification provision in effect at the time of the mailing, and the postmark date on all white receipts for a certified mailing is prior to 12:01 a.m., February 7, 2006.

**ZO-06-377 AFFORDABLE DWELLING UNIT PROGRAM** - Sets forth the provisions applicable to the conversion of rental affordable dwelling units to for-sale affordable dwelling units, extends the control period from 15 years for for-sale units and 20 years for rental units to 30 years for both types of units, with the for-sale units having a renewable term for each resale that occurs within a control period; grants the Fairfax County Redevelopment and Housing Authority (FCRHA) the right to purchase any ADU that is offered for resale and establish a 1.5% marketing and transaction allowance for units purchased and resold by the FCRHA; eliminates the option for new developments to buy out of the ADU Program after 10 years in the rental program; and excludes the floor area for affordable and market rate bonus units from the floor area ratio calculations in the PRM District. **Adopted 2/27/06; Effective 2/28/06**

**ZO-06-378 SPECIAL EXCEPTION AND SPECIAL PERMIT PHOTOGRAPHIC SUBMISSION REQUIREMENTS** - Enhances the photographic submission requirements for special permit and special exception applications by, in addition to requiring photographs of existing structures, terrain and vegetation, requiring photographs of the application property and abutting properties as viewed from all lot lines and street lines of the application property. **Adopted 3/13/06; Effective 3/18/06**

**Applicability** - This amendment shall be effective for those special permit and special exception applications submitted on or after 3/18/06.

**ZO-06-379 MODIFICATION OF CERTAIN FENCE AND YARD REQUIREMENTS IN CONJUNCTION WITH OTHER DEVELOPMENT APPLICATIONS AND ACCESSORY STRUCTURE HEIGHT MEASUREMENT** - Allows the Board in conjunction with rezoning or special exception approval for another use and the Board of Zoning Appeals (BZA) in conjunction with special permit approval for another use to modify certain yard requirements and allows the Board in conjunction with rezoning or special exception approval for another use and the BZA in conjunction with special permit approval for another use to

increase the fence, wall, gate and/or gate post height and/or modify the location requirements.. **Adopted 5/1/06; Effective 5/2/06**

**ZO-06-380 EDITORIAL AND OTHER MINOR REVISIONS** – Corrects a number of inconsistencies and errors which have resulted from the adoption of previous Zoning Ordinance or County Code amendments and makes other minor revisions that clarify existing provisions. **Adopted 6/26/06; Effective 6/27/06**

**ZO-06-381 SERVICE DRIVES** – Indicates that service drives are not required along Virginia byways, the Dulles International Airport Access Highway and interstate highways; clarifies that the Board of Supervisors or Director of the Department of Public Works and Environmental Services (DPWES) may waive the service drive requirements when certain conditions are met; and revises the primary highway definition to include route numbers greater than 7000 as well as route numbers less than 600. **Adopted 6/26/06; Effective 6/27/06**

**Associated Amendment** – See also Public Facilities Manual Amendment 93-06-PFM adopted simultaneously on 6/26/06.

**ZO-06-382 REDUCTION OF CERTAIN YARD REQUIREMENTS AND CLARIFICATION OF ACCESSORY STRUCTURE HEIGHT MEASUREMENT** -Establishes a new special permit that would allow the Board of Zoning Appeals to reduce certain yard requirements by up to 50%, subject to conditions that minimize the impact of such yard reductions on nearby properties. **Adopted 7/10/06; Effective 7/11/06**

**ZO-06-383 AFFIDAVIT SUBMISSION REQUIREMENTS FOR BOARD'S OWN MOTION REZONING APPLICATIONS** - Revises the affidavit submission requirements to no longer require affidavits for Board's own motion rezoning applications that involve more than 10 parcels owned by different individuals, trusts, corporations or other entities. **Adopted 9/11/06; Effective 9/12/06**

**ZO-06-384 MILITARY INSTALLATION AND PUBLIC USE AIRPORT NOTIFICATION** - Adds a requirement for Zoning Map amendment, final development plan, special exception or special permit applications when the application property, or part thereof, is located within 3000 feet of a military base, military installation, military airport, excluding armories operated by the Virginia National Guard, or licensed public use airport, that written notice of the application must be given by the hearing body at least ten days before the hearing to the commander of the military base, military installation or military airport or the owner of a public use airport. **Adopted 9/11/06; Effective 9/12/06**

**ZO-06-385 CIVIL PENALTIES** - Increases the civil penalties for any one zoning violation from \$100 to \$250 for the first violation, and from \$250 to \$500 for subsequent violations arising from the same set of operative facts. **Adopted 9/11/06; Effective 9/12/06**

**ZO-06-386 FENCE AND/OR WALL HEIGHT** - (1) Allows the Board of Zoning Appeals (BZA) to approve a special permit to allow for an fence and/or wall height increase in any front yard subject to certain standards; (2) Allows the Zoning Administrator to administratively approve up to a 5% increase in fence and/or wall height for an existing structure subject to certain conditions including variations in topography or of the fence materials; and (3) Allows certain fence posts, finials, post caps, lighting fixtures, or similar decorative features to exceed the maximum height of any fence and/or wall by up to 9 inches subject to certain spacing requirements. **Adopted 10/23/06; Effective 10/24/06**

**ZO-06-387 ARCHAEOLOGICAL SURVEY SUBMISSION REQUIREMENTS** - Adds an Archaeological Survey Data Form submission requirement for all rezoning, development plan, special exception, special permit, special exception and variance applications located wholly or partially within, or contiguous to, a Historic Overlay District and resulting in 2500 square feet or more of land disturbing activity; and adds a Phase I Archaeological Survey submission requirement for such application properties determined to have a low or medium to high probability to yield significant archaeological resources. **Adopted 10/23/06; Effective 10/24/06**

**Applicability** - Shall be applicable for those applications that are submitted on or after the effective date of this amendment.

**ZO-06-388 CONDOMINIUM APPLICANTS** - Clarifies who may file a special permit, special exception, rezoning, development plan, variance, sign permit, Building Permit and Non-Residential/Residential Use Permit application, submit a site plan, sign proffered conditions in condominium developments both during the time period the developer has a right to create additional units or to complete common elements and once the developer no longer has the right to create additional units or to complete common elements. **Adopted 10/23/06; Effective 10/24/06**

**ZO-06-389 RESIDENTIAL PARKING** - Increases the minimum parking requirement for single family detached dwelling units from 2.0 to 3.0 spaces per dwelling unit (DU) for lots located on private streets and increases the minimum parking requirement for single family attached dwelling units from 2.3 to 2.7 parking spaces per DU. **Adopted 10/23/06; Effective 1/22/07**

**Grandfather** - The following shall be grandfathered:

- Special exception, proffered rezonings or development plans that were approved prior to the effective date of this amendment when such approvals contain a specific parking rate.

- Building and site plans submitted on or before the effective date of the amendment, provided such plans are (a) approved within twelve months of the return of the initial submission to the applicant or agent, (b) the plan remains valid, (c) Building Permits for the structures shown on the approved plan are issued and (d) the structure and uses are constructed in accordance with such Building Permits.

**ZO-06-390 INSPECTION FEES AND REPLACEMENT AGREEMENTS** - Reduces the inspection fee for those requiring an inspection following a stop work order from \$215 to \$210 and deletes the requirement for a replacement agreement fee if the rating for the corporate surety has fallen to a “B” level according to the A.M. Best Key Rating Guide and the replacement request is submitted to and approved by the Director of the Department of Public Works and Environmental Services prior to the expiration date of the agreement. **Adopted 10/23/06; Effective 10/24/06.**

**Associated Amendments** - Also see Public Facilities Manual Amendment 95-06-PFM and Subdivision Ordinance Amendment 32-06-101 adopted simultaneously on 10/23/06.

**ZO-06-391 CERTAIN ADDITIONS TO AN EXISTING SINGLE FAMILY DETACHED DWELLING THAT CURRENTLY EXTEND INTO A MINIMUM REQUIRED YARD BY MORE THAN FIFTY (50) PERCENT AND/OR IS CLOSER THAN FIVE (5) FEET TO A LOT LINE (Pop-ups and Carport Enclosures)** - Establishes a new special permit that allows the Board of Zoning Appeals to permit certain additions to an existing single family detached dwelling that currently extends into a minimum required yard by more than fifty percent and/or is closer than five feet to a lot line, subject to conditions that strive to minimize the impact of such yard reductions on nearby properties. **Adopted 11/20/06; Effective 11/21/06**

**ZO-06-392 SHAPE FACTOR LIMITATION FOR LOTS IN CERTAIN SINGLE FAMILY DETACHED RESIDENTIAL DISTRICTS** - Establishes a shape factor limitation of up to 35 for building lots located in the R-E, R-1, R-2, R-3, R-4, R-5 or R-8 Districts and the single family portions of the PDH, PDC or PRC Districts when such lots are not depicted on an approved development plan. For lots in the above referenced districts, a shape factor of greater than 35 and up to 50 may be permitted with special exception approval and subject to specific standards. **Adopted 12/4/06; Effective 12/5/06.**

**Associated Amendments** - See also Public Facilities Manual Amendment 96-06-PFM and Subdivision Ordinance Amendment 40-06-101, adopted simultaneously on 12/04/06

**Grandfather** - The following are grandfathered from the provisions of this amendment:

- Lots depicted on a preliminary subdivision plan that are approved prior to December 5, 2006 and remain valid; and
- Lots depicted on an approved proffered generalized development plan and lots created in accordance with the approval of a lot width variance by the Board of Zoning Appeals when such approvals are granted prior to December 5, 2006.

**ZO-07-393 WAIVER OF RESIDENTIAL MINIMUM LOT WIDTH REQUIREMENT** – Establishes a special exception, subject to additional standards, to permit the Board of Supervisors to consider a request for a reduction of lot width in all residential districts. **Adopted 2/26/07; Effective 2/26/07**

**ZO-07-394 CENTREVILLE HISTORIC OVERLAY DISTRICT (CHOD)** – Amend the CHOD to: (1) revise the purpose and intent to include protection of archaeological structures and landmarks; (2) revise the use limitations to recognize the significance of archaeological resources and the historical character of the area; (3) prohibit kennels, new vehicle storage, warehousing establishments and wholesale trade establishments; and (4) prohibit certain auto-oriented uses for properties not contiguous to Route 29. **Adopted 2/26/07; Effective 2/27/07**

**Associated Amendments** – See also Comprehensive Plan Amendment ST04-III-BR1/S05 III-BR1 and RZ 2006-SU-030 to expand the boundaries of the Centreville Historic Overlay District adopted simultaneously on 2/26/07.

**Grandfather** - The following are grandfathered from the provisions of this amendment:

1. Special exception, proffered rezonings or development plans approved prior to February 27, 2007.
2. Building and site plans submitted on or before February 27, 2007, provided such plans are (a) approved within twelve months of the return of the initial submission to the applicant or agent, (b) the plan remains valid, (c) Building permits for the structures shown on the approved plan are issued and (d) the structures and uses are constructed in accordance with such Building Permits.
3. Uses for which Building Permits have been approved, provided that the structure containing the use is constructed under the approved Building Permit.

**ZO-07-395 PRIVATELY MAINTAINED STREETS** - Provides that streets that do not meet Virginia Department of Transportation (VDOT) standards, or are not intended for inclusion in the VDOT system, shall be privately maintained and shall be ineligible for acceptance into the VDOT system unless improved to current VDOT standards with funds other than those appropriated by the Virginia

General Assembly and allocated by the Commonwealth Transportation Board. In addition, a statement to this effect must be included on site plans, which include private streets that are not built to VDOT standards or are not intended for inclusion in the state highway system. **Adopted 3/12/07; Effective 3/13/07**

**Associated Amendments** - See also Public Facilities Manual Amendment 97-07-PFM and Subdivision Ordinance Amendment 06-07-101 adopted simultaneously on 3/12/07.

**ZO-07-396 AFFORDABLE DWELLING UNITS – LIMITS ON BUILDING PERMITS AND RESIDENTIAL USE PERMITS** - Allow all building permits to be issued within an ADU development, but will restrict Residential Use Permit issuance to 75 percent of the total number of units until at least 75 percent of the ADUs have been issued Residential Use Permits. This applies to all types of developments, except for rental multiple family dwelling units. **Adopted 3/26/07; Effective 3/27/07**

**ZO-07-397 PRC DISTRICT REGULATIONS** - Modifies the Planned Residential Community (PRC) District provisions to, among other things, (1) clarify that only that land area included in the initial establishment of a PRC District shall be under single ownership or control; (2) revise the persons per dwelling unit factor for single family and multiple family dwellings; (3) change the PRC plan process from an administrative approval by the Department of Public Works and Environmental Services to a public hearings process before both the Planning Commission and the Board of Supervisors and delete the provision that an approved PRC plan is valid for three years unless a site plan is approved within that time. **Adopted 3/26/07; Effective 3/27/07**

**Grandfather** - The following are grandfathered from the provisions of this amendment:

- PRC plans approved by DPWES prior to March 27, 2007 are deemed to be valid approved plans; however, the three year expiration date remains in effect for such plans.
- PRC plans pending review with DPWES that have not been approved prior to the effective date of this amendment are subject to the PRC Plan approval process set forth in this amendment.
- Additionally, amendments to a DPWES approved PRC plan shall also be subject to the approval process set forth in this amendment.

**ZO-07-398 PLANNED DEVELOPMENT DISTRICT RECREATIONAL FACILITIES** - Increases the minimum expenditure per dwelling unit for recreational facilities required in the PDH, PDC and PRM Districts from \$955 to \$1500. **Adopted 5/7/07; Effective 5/8/07**

**Grandfather** - The following are grandfathered from the provisions of this amendment:

- Rezoning applications to the PDH, PDC or PRM Districts containing dwelling units, including proffered condition amendments which propose to add dwelling units, that are accepted prior effective date of the amendment and approved by December 31, 2007 shall be grandfathered from this amendment. Additionally, proffered condition amendments which proposed 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.

**ZO-07-399 LARGE RETAIL SALES ESTABLISHMENTS** - Adds a new retail sales establishment-large use which is allowed by right in the PDC and PRC Districts when depicted on an approved final development plan or development plan and in the C-6, C-7, C-8 and C-9 Districts when such use is located within a building that contains a minimum of 1,000,000 square feet of gross floor area with at least six principal uses that are connected by party walls, partitions or similar structural members to form one continuous structure; provides that retail sales establishments-large that do not meet the above limitations may be allowed in the C-6, C-7, C-8, C-9, PDC and PRC Districts with special exception approval by the Board of Supervisors. **Adopted 5/21/07; Effective 5/22/07**

**Grandfather** - The following are grandfathered from the provisions of this amendment:

- A special exception, special permit, conceptual development plan, final development plan, development plan of proffered generalized development plan approved prior to May 22, 2007 that allows a retail sales establishment that is equal to or greater than 80,000 square feet of floor gross area; provided that such retail sales establishment is in substantial conformance with the approved plan, proffers and/or conditions; and
- A site plan approved prior to May 22, 2007 that allows a retail sales establishment that is equal to or greater than 80,000 square feet of gross floor area, provided that such site plan is diligently pursued.
- For the purpose of this amendment, the words “replacement” and “enlargement,” are used in Par.2 of Sect. 15-101, shall not be deemed to include any interior or exterior alteration, demolition and/or reconstruction, either completely or in part, of a building or use existing as of May 22, 2007, provided such changes:
  1. Do not result in an increase in gross floor area (GFA) of more than 2.5 percent of the area of the footprint existing as of May 22, 2007;
  2. Are within the building footprint existing as of May 22, 2007, and/or are within an expanded footprint not to exceed 2.5 percent of the area of the footprint existing as of May 22, 2007.
  3. Do not result in an increase in the building height existing as of May 22, 2007 other than that resulting from a roof replacement and/or roof redesign.

- ZO-07-400 RESTORATION OF DAMAGED OR DESTROYED NONCONFORMITIES** - Allow a nonconforming building that is destroyed or damaged by natural disaster or other act of God to be rebuilt or replaced to its original nonconformity or to a reduced nonconforming condition within two years of the date of the natural disaster. However, if the building is located in an area under a federal disaster declaration and the building has been damaged or destroyed as a direct result of conditions that gave rise to the declaration, than the building may be restored to its original condition or to a reduced nonconforming condition within four years of such disaster. **Adopted 7/23/07; Effective 7/24/07**
- ZO-07-401 RESIDENTIAL TEMPORARY PORTABLE STORAGE CONTAINERS** – Allows temporary portable storage containers on lots developed with single family and multiple family dwellings by right subject to certain size, height, location, duration and signage restrictions. Also allows temporary portable storage containers on lots developed with residential dwelling units for longer time periods when such dwelling unit has been damaged or destroyed by casualty and with the approval of a temporary special permit. **Adopted 9/10/07; Effective 9/11/07**
- ZO-07-402 FEDERAL EMERGENCY MANAGEMENT AGENCY REFERENCES** – Replaces all Zoning Ordinance references to the Federal Insurance Administration with references to the Federal Emergency Management Agency. **Adopted 9/10/07; Effective 9/11/07**
- ZO-07-403 WORKFORCE DWELLING UNITS** – Amends the Planned Development Districts to accommodate any additional density associated with the provision of workforce dwelling units and adds new Part 11 to Article 2 to facilitate bulk and other regulations in workforce dwelling unit developments. **Adopted 10/15/07; Effective 10/16/07**
- ZO-08-404 SOLID WASTE AND RECYCLING FACILITY DEFINITIONS** - Replace the reference to Chapter 109 of the County Code in the landfill definition with a reference to Chapter 109.1; clarify that a mixed waste reclamation facility does not include a recycling center; revise the recycling center definition to clarify that the term includes what is commonly known in the industry as a materials recovery facility (MRF) or “clean” MRF; and replace the definition of solid waste with a reference to the solid waste definition contained in Chapter 109.1. **Adopted 2/11/08; Effective 2/12/08**
- ZO-08-405 FINANCIAL INSTITUTIONS** - Replace all references to drive-in banks with references to drive-in financial institutions; replace all references to unmanned bank teller machines with references to automated teller machines; and delete the use limitation that prohibits automated teller machines in the C-1 District, thereby allowing such facilities in the C-1 District. **Adopted 3/10/08; Effective 3/11/08**

- ZO-08-406 ROADWAY FUNCTIONAL CLASSIFICATION** - Update the listing of roadways by functional classification in Appendix 8 of the Zoning Ordinance to be consistent with the listing of roadways by functional classification in the transportation section of the Policy Plan of the Fairfax County Comprehensive Plan, as adopted by the Board of Supervisors on July 10, 2006. **Adopted 3/10/08; Effective 3/11/08**
- ZO-08-407 TRASH AND RECYCLING, SHARED UTILITY EASEMENTS AND PRIMARY HIGHWAYS** – (1) Requires that all site plans include the location of solid waste and recycling containers; (2) Requires that a note be placed on site plans that the future conveyance of shared utility easements must comply with §15.2-2241(6) of the *Code of Virginia*; and (3) Clarifies that primary roadways do not have assigned numbers greater than 7000. **Adopted 4/28/08; Effective 4/29/08**
- Associated Amendments** – See also Public Facilities Manual 101-08-PFM and Subdivision Ordinance Amendment 21-08-101 adopted simultaneously on 4/28/08.
- ZO-08-408 REGIONAL NON-RAIL TRANSIT FACILITIES** - Revises the WMATA non-rail transit facilities definition to reflect the more generic term of “regional non-rail transit facilities” and replaces all references to “WMATA non-rail transit facilities” with references to “regional non-rail transit facilities”. **Adopted 4/28/08; Effective 4/29/08**
- ZO-08-409 FIRE MARSHAL FEES** – Increases the Fire Marshal site plan review fees from a rate of \$96 per hour to \$128 per hour per reviewer for all types of plans, and increases the hourly inspection rate from \$96 to \$128 per hour per inspector. In addition, payment of the Fire Marshal fees is required upon completion of the review process or site inspection. **Adopted 4/28/08; Effective 7/1/08**
- Associated Amendment** – See also Subdivision Ordinance Amendment 26-08-101 adopted simultaneously on 4/28/08.
- ZO-08-410 ADVERTISING ON PUBLIC TRANSIT PASSENGER SHELTERS** - Allows advertising on County owned public transit passenger shelters, including bus shelters, located outside the Virginia Department of Transportation right-of-way. **Adopted 5/5/08; Effective 5/6/08**
- ZO-08-411 RECODIFICATION OF TITLE 63.1, CHAPTER 10 OF THE CODE OF VIRGINIA TO TITLE 63.2, CHAPTER 17** – Replaces all references to the Code of Virginia Title 63.1, Chapter 10 with Title 63.2, Chapter 17 which identifies state licensure and registration procedures for child-related facilities that are classified in the Zoning Ordinance as child care centers, nursery schools, private schools of general education, private schools of special education, and home child care facilities. **Adopted 7/21/08; Effective 7/22/08**

**ZO-08-412 PUBLIC HEARING NOTICE REQUIREMENTS FOR LEVY AND FEE AMENDMENTS** – Amends the public hearing notice requirements for any ordinance amendment that imposes or increases levies and fees by eliminating the provision that 14 days must elapse since the last public notice before the amendment can be adopted. **Adopted 7/21/08; Effective 7/22/08**

**ZO-08-413 TREE CONSERVATION** - Deletes the existing tree cover requirements and incorporates the new requirements of Chapter 122 by reference to that Chapter; adds additional references to the Public Facilities Manual requirements related to tree conservation; revises the landscaping and screening requirements; adds a purpose and intent statement for transitional screening and barriers and parking lot landscaping; and makes minor editorial changes. The amendment also reduces the density of plant material required for transitional screening and clarifies the long-term maintenance requirement for property owners to maintain and replace landscaping. **Adopted 10/20/08; Effective 1/1/09.**

**Grandfather** - The following are grandfathered from the provision of this amendment:

- Proffered conditions, approved development plans, special exception plats and special permit plats approved prior to January 1, 2009; and
- Site plans, public improvement plans, grading plans and subdivision plans [excluding preliminary plats] which are submitted prior to January 1, 2009, provided that any such plan obtains final approval no later than close of business on July 1, 2009.

**Associated Amendments** - See also Public Facilities Manual Amendment 102-08-PFM, Chapter 101, Subdivision Ordinance Amendment 61-08-101, Chapter 104, Erosion and Sedimentation Control Ordinance Amendment 62-08-104, Chapter 122, Tree Conservation Amendment 64-08-122 and Chapter 120, Heritage, Specimen, Memorial and Street Tree Ordinance Amendment 63-08-120, adopted simultaneously on 10/20/08.

**ZO-08-414 CIVIL PENALTIES AND APPEAL PERIOD** – Allows a zoning violation that is subject to civil penalties to be prosecuted as a criminal misdemeanor when such civil penalties total \$5,000 or more; and requires appeals to the Board of Zoning Appeals (BZA) of notices of violations for short-term, recurring violations be filed within 10 days from the date of issuance of the notice of violation. **Adopted 11/17/08; Effective 11/18/08**

**ZO-09-415 MOBILE AND LAND BASED TELECOMMUNICATIONS FACILITIES** - Increases the maximum allowable height of by right structure and rooftop mounted panel antennas from 6 to 8 ½ feet; allows replacement utility poles and light poles on which antennas are mounted that are located in any street right-of-

way to be greater in size than the pole being replaced, subject to limitations; and allows mobile and land based telecommunication hub sites to locate by right in residential districts in certain circumstances. **Adopted 2/23/09; Effective 2/24/09**

**ZO-09-416 MINI-WAREHOUSING ESTABLISHMENTS IN THE PDC DISTRICT -** Allows mini-warehousing establishments as a permitted secondary use in the PDC Planned Development Commercial District, subject to use limitations. **Adopted 3/30/09; Effective 3/31/09**

**ZO-09-417 SITE PLAN FEES -** Increases all fees related to site plan review and site inspections by up to 40% with the exception of fees associated with inserts, waivers and bonding. **Adopted 4/27/09; Effective 7/01/09**

**Applicability:** The revised fees shall be applicable to any submission on or after the effective date.

**Associated Amendments** – See also Property Under County Control Amendment 11-09-02, Building Provisions Amendment 12-09-61, Subdivision Ordinance Amendment 13-09-101 and Erosion and Sedimentation Control Amendment 14-09-104, adopted simultaneously on 4/27/09.

**ZO-09-418 ZONING FEE SCHEDULE -** Increases the application fees for variances, special permits, special exceptions, rezonings, PRC plans, comprehensive sign plans and modifications to the requirements of the affordable dwelling unit program, and amendments thereto by 200%. The amendment also increases the following fees: (a) appeals of the zoning administrator’s decision from \$375 to \$2455, (b) zoning compliance letters for single family lots from \$90 to \$110, (c) all other zoning compliance letters from \$265 to \$310, (d) non-residential use permits from \$40 to \$65, (e) temporary special permits administratively approved from \$130 to \$200, and (f) sign permits from \$50 to \$90. In addition the amendment establishes the following fees: (a) \$50 for home occupation permits and (b) \$500 for interpretation of approved zoning applications. **Adopted 4/27/09; Effective 7/01/09**

**Grandfather Provisions:**

- The revised fees shall be applicable to any zoning application filed subsequent to the effective date of the amendment; and
- Zoning applications which were filed prior to the effective date of this amendment and that are in compliance with the applicable submission requirements shall be grandfathered from this amendment.

**ZO-09-418 ZONING FEE SCHEDULE PART 2 -** Establishes a Planning Commission and Board of Supervisors’ public hearing deferral fee of \$250 plus cost of actual advertising, not to exceed \$1000. The deferral fee is applicable after public notice

has been given and when such deferrals are related solely to affidavit errors.  
**Adopted 6/22/09; Effective 7/01/09**

**ZO-09-419 SINGLE FAMILY DETACHED DWELLING GRADE** - (A) Revises the grade definition such that grade for single family detached dwellings is the average ground level adjoining a building at all exterior walls. For the purpose of determining building height for single family detached dwellings, the lower average ground level of either the pre-existing or finished ground elevation that exists or is proposed at the time of Building Permit issuance for the dwelling shall be used. (B) Allows the Board of Supervisors to approve, only in conjunction with the approval of a rezoning or special exception for another use, a special exception to modify the grade for purposes of measuring the height of single family detached dwellings that are located within or in proximity to a floodplain when such structures must be elevated to meet all applicable floodplain regulations; and allow the Board of Zoning Appeals to approve a special permit for the same grade modification. (C) Amends the required standards for variances in the Zoning Ordinance to conform to the Virginia Code, and require that applicants for a variance show that the strict application of the Zoning Ordinance would unreasonably restrict the utilization of the subject property and the granting of a variance will alleviate a clearly demonstrable hardship. **Adopted 9/14/09; Effective 9/15/09**

**The following are grandfathered from the newly adopted grade methodology for determining building height for single family detached dwellings:**

- All special permit, special exception and proffered zoning applications and amendments thereto that set forth building heights for single family detached dwellings, when approved prior to September 15, 2009.
- Building and grading plans submitted prior to September 15, 2009, provided:
  1. The grading plan and building permit are approved within 12 months of the return of the initial submission to the applicant/agent;
  2. The plan or permit does not expire;
  3. A building permit for the structure(s) shown on the approved plan is issued; and
  4. The structure is constructed in accordance with the approved permit.
- Any other circumstances giving rise to a vested right as set forth in VA Code Ann. §15.2-2307

**ZO-10-420 PLANNED DEVELOPMENT DISTRICT RECREATIONAL FEE** - Increase the minimum expenditure per dwelling unit for recreational facilities required in the PDH, PDC and PRM Districts from \$1500 to \$1600. **Adopted 1/26/10; Effective 1/27/10**

**Grandfather** - The following are grandfathered from the provisions of this amendment:

- Rezoning applications to the PDH, PDC or PRM Districts containing dwelling units, including proffered condition amendments which propose to add dwelling units, that are accepted prior to January 27, 2010 and approved by July 1, 2010 shall be grandfathered from this amendment.
- Additionally, proffered condition amendments which proposed to add dwelling units and are accepted on or after January 27, 2010 shall be subject to the requirements of this amendment for the additional density.

**ZO-10-421 LIMITATION ON YARDS THAT ABUT OUTLOTS THAT ARE CONTIGUOUS TO STREETS** - Provide a new Section 2-423, that places specific limitations on yards on lots that abut outlots that are contiguous to streets by requiring that the minimum distance between the principal structure on the building lot and the front street line on the outlot must be equal to or greater than the minimum required front yard of the district in which the building lot is located. In addition, the minimum yard dimension of the building lot that is abutting the outlot shall be equal to or greater than the applicable required yard for the district in which the building lot is located. **Adopted 2/23/10; Effective 2/24/10**

**Grandfather** - The following are grandfathered from the proposed amendment:

- Lots that existed prior to the effective date of this amendment, provided that such lots were created in accordance with the Subdivision Ordinance, or are validated under Sections 101-1-12, 101-1-13 or 101-1-14 of the Subdivision Ordinance.
- All special permit, special exception, and proffered rezoning applications and amendments thereto that contain outlots that abut a street, when approved prior to the effective date of this amendment.
- All preliminary subdivision plans submitted on or before the effective date of the amendment, provided that the preliminary plan is approved within 12 months of the effective date of the amendment, and the subdivision plat is recorded within 24 months of the effective date of the amendment.
- All site plans submitted on or before the effective date of the amendment, provided that the site plan is approved within 12 months of the effective date of the Amendment, and the site plan remains valid.

**ZO-10-422 STATE CODE CHANGES; EDITORIAL AND OTHER MINOR REVISIONS** - Addresses revisions required as a result of legislative action by the 2009 General Assembly, corrects inconsistencies due to adoption of previous

Zoning Ordinance and County Code amendments, and clarifies other provisions. **Adopted 4/27/10; Effective 4/28/10**

**ZO-10-423 PLANNED TYSONS CORNER URBAN DISTRICT (PTC)** - Establishes a new P District, the PTC District, to implement the adopted Comprehensive Plan recommendations for the Tysons Corner Urban Center. **Adopted 6/22/10; Effective 6/22/10**

**ZO-10-424 NATIONAL FLOOD INSURANCE PROGRAM** – Includes provisions that: 1) specify certain administrative responsibilities of the Director of the Department of Public Works and Environmental Services with respect to the National Flood Insurance Program (NFIP); 2) revise existing use limitations and add new use limitations for construction in floodplains for consistency with NFIP requirements; 3) incorporate a specific reference to the new County Flood Insurance Study and Flood Insurance Rate Map and define major floodplain in the existing floodplain definition; 4) incorporate requirements related to notification of Federal Emergency Management Agency (FEMA) for changes in base flood elevations; 5) incorporate requirements regarding elevation of new and improved dwellings and additions, elevation certificates, compliance with the Virginia Uniform Statewide Building Code and obtaining applicable federal and state permits, and recreational vehicles in floodplains; and 6) add definitions specific to NFIP requirements and clarify usage of these definitions with respect to certain existing definitions. **Adopted 7/27/10; Effective 9/17/10.**

**Associated Amendments** – See also Public Facilities Manual Amendment PFM 105-10-PFM and Appendix A Amendment 22-10-A adopted simultaneously on 7/27/10.

**ZO-10-425 RIDING AND BOARDING STABLE SETBACKS** – In conjunction with special permit approval for a riding and boarding stable, allows the Board of Zoning Appeals for stable structures, riding rings and/or associated parking and loading spaces established on the lot on or after September 29, 2010 to reduce the 100 foot setback required for stable structures and riding rings to no less than 40 feet and to reduce the 50 foot setback required for associated parking and loading spaces to no less than 20 feet. For stable structures, riding rings and/or associated parking and loading spaces existing on the lot prior to September 29, 2010, the BZA may modify or waive the 100 foot setback required for stable structures and riding rings and/or the 50 foot setback required for associated parking and loading. Such modification or waiver shall only be granted when the applicant has demonstrated that the setback is not necessary to minimize adverse impacts on adjacent properties. **Adopted 9/28/10; Effective 9/29/10.**

**ZO-10-426 ZONING APPEAL FEE** - Reduces the filing fee for an appeal of a determination of the Zoning Administrator or of a proffered condition from \$2,455 to \$600. **Adopted 11/16/10; Effective 11/17/10.**

**ZO-11-427 STATE CODE, EDITORIAL AND MINOR REVISIONS** – Addresses a required revision resulting from legislative action by the 2010 General Assembly, corrects inconsistencies and errors that have resulted from the adoption of previous Zoning Ordinance amendments and makes other clarifying and minor revisions. **Adopted 2/22/11; Effective 2/23/11.**

**ZO-11-428 SITE PLAN FEES** - Generally increases all site plan fees by 3.1% and relocates the site plan fee schedule and all other site and building fee schedules into a new Appendix Q of the County Code. **Adopted 4/12/11; Effective 7/1/11**

**Grandfather:**

- The revised fees shall be applicable to any submission after July 1, 2011 with the following plans grandfathered: Site and Subdivision Plans (excluding Preliminary Plans) submitted prior to July 1, 2011, shall not be charged a second submission fee.

**Associated Amendments** – Also see Property under County Control Amendment 04-11-2, Building Provisions Amendment 05-11-61, Subdivision Ordinance Amendment 06-11-101; Erosion and Sedimentation Control Amendment 07-11-104 and new Appendix Q Amendment 08-11-Q adopted simultaneously on 4/12/11.

**ZO-11-429 ZONING FEES** - Increases the filing fees for certain zoning permits, compliance letters and most zoning applications, including variances, special permits, special exceptions, rezonings, comprehensive sign plans, PRC plans and amendments thereto by approximately 3.1%, with a minimum fee increase of \$5.00. **Adopted 4/12/11; Effective 7/1/11**

**Grandfather:**

- The revised fees shall be applicable to any zoning application filed subsequent to the effective date of the amendment; and
- Zoning applications which were filed but not accepted prior to the effective date of this amendment and that are in compliance with the applicable submission requirements shall be grandfathered from this amendment.

**ZO-11-430 CONSERVATION PLAN FOR LAND DISTURBING ACTIVITIES 2,500 - 5,000 SQUARE FEET** - Allows plats certified by a land surveyor, engineer, landscape architect or architect that include siltation and control measures in conformance with Chapter 104 of the County Code to be used in lieu of a grading plan for the demolition of single family dwellings, demolition of accessory structures to single family dwellings, construction of additions to single family dwellings, or construction of accessory structures to single family dwellings, that result in disturbed areas of 5,000 square feet or less and do not require the installation of

water quality controls or other drainage improvements. Also requires that various existing easement, floodplains and distances to certain features demonstrating compliance with minimum yard requirements be delineated on plats submitted in conjunction with Building Permit approval when no site plan is required. In addition, requires the demonstration of compliance with minimum yard requirements for as-built house location survey plats for single family detached dwellings. **Adopted July 26, 2011; Effective July 27, 2011**

**Associated Amendments** – Also see Erosion and Sedimentation Control Amendment 24-11-104 and Land Development Fee Schedule Amendment 25-11-Q adopted simultaneously on 7/26/11.]

**ZO-12-431 PLANNED DEVELOPMENT DISTRICT RECREATIONAL FEE** - Increases the minimum expenditure per dwelling unit for recreational facilities required in the PDH, PDC, PRM and PTC Planned Development Districts from \$1600 to \$1700. **Adopted January 10, 2012; Effective January 11, 2012.**

**Grandfather** - The following are grandfathered from the provisions of this 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 January 11, 2012 and approved by July 1, 2012 shall be grandfathered from this amendment.
- Additionally, proffered condition amendments which proposed to add dwelling units and are accepted on or after January 11, 2012 shall be subject to the requirements of this amendment for the additional density.

**ZO-12-432 INDEPENDENT LIVING FACILITIES FOR LOW INCOME RESIDENTS, MODIFICATIONS OF THE ADU PROGRAM, AND DEFINITIONS OF DWELLING UNIT AND INDEPENDENT LIVING FACILITY** - Adds a low income subset to the current ILF use, with the provision of a 25% density bonus, establishes standards addressing income limits, rent limits, lease terms, covenants and monitoring; recognizes care providers in ILFs; provides for reduced yard requirements for ILFs in certain R-Districts; exempts low income ILFs from the ADU Program; and deletes the word “permanent” from the definition of a dwelling unit. **Adopted February 28, 2012; Effective February 29, 2012.**

**ZO-12-433 EDITORIAL AND MINOR REVISIONS** – Allows rooftop guardrails required by the Virginia Uniform Statewide Building Code to be excluded from the maximum building height restrictions; reduces the fee for Home Child Care Facilities requiring special exception in the PDH, PDC, PRM and PTC Districts to \$1100; and removes the horsepower limitation for lawnmowers to be repaired in a repair service establishment; and makes other minor and editorial revisions. **Adopted 3/20/12; Effective 3/21/12.**

**ZO-12-434 HEIGHT LIMITS FOR CERTAIN INDEPENDENT LIVING FACILITIES**  
Sets forth that the maximum building height of 35 feet for independent living facilities that are designed to look like single family detached dwellings that utilize the minimum required yards (setbacks) specified for single family detached dwellings in the R-E through R-8 Districts and to clarify the applicability of existing setback requirements for other independent living facilities in other structures or districts. **Adopted September 11, 2012; Effective September 12, 2012.**

**ZO-12-435 TRUCK RENTAL ESTABLISHMENTS IN THE PRC DISTRICT -** Allows a truck rental establishment in the Village Center areas of the Planned Residential Community (PRC) District as an ancillary or secondary use to a principal use, when shown on an approved development plan or by special exception approval, subject to the additional standards in Sect. 9-525 of the Zoning Ordinance, which standards address noise, parking, lighting, site access size of the use, number of trucks, as well as adequate buffering and screening of abutting properties. **Adopted September 11, 2012; Effective September 12, 2012.**

**ZO-12-436 HOME CHILD CARE FACILITIES SUBSTITUTE CARE PROVIDERS-** Allows substitute child care providers to operate a home child facility in the absence of the provider for up to 240 hours per calendar year in accordance with Chapter 30 of the Fairfax County Code and/or Title 63.2 Chapter 17 of the *Code of Virginia*. **Adopted November 20, 2012; Effective November 21, 2012.**

**Associated Amendment** – Also see Home Child Care Facility Amendment 32-12-30 adopted simultaneously on 11/20/12.

**ZO-13-437 ZONING APPLICATION FEE SCHEDULE** – Reduces the filing fee for riding and boarding stables, keeping of animals, fence/wall height increases, change in special permit permittee and PRC plan concurrent with an SE or SP, and clarifies when a fee is required for a change to a pending application. **Adopted April 23, 2013; Effective April 24, 2013.**

**ZO-13-438 VERTICAL DATUM REQUIREMENTS** - Revises the site plan survey boundary requirements to allow the use of GPS static data and to reference all elevations to the National Geodetic Vertical Datum of 1929. **Adopted April 30, 2013; Effective May 1, 2013.**

**Associated Amendments** – Also see Subdivision Ordinance Amendment 39-13-101 and Public Facilities Manual Amendment 115-13-PFM adopted simultaneously on 4/30/13.

**ZO-13-439 CIVIL PENALTIES**

Expands the use of civil penalties as an enforcement tool for zoning violations and grants the Zoning Administrator the authority to seek issuance of an inspection warrant related to enforcement of the Zoning Ordinance. **Adopted May 14, 2013; Effective May 15, 2013.**

**ZO-13-440 HOME CHILD CARE FACILITIES**

Increases the maximum number of children allowed to be cared for in a home child care facility (HCCF) with special permit approval from 10 to 12; revises the special permit additional standards for HCCFs to also require conformance with the HCCF use limitations for by-right accessory uses (except for the numbers of children and non-resident employees); allows the Board of Zoning Appeals as part of its review of a HCCF special permit application to consider the availability of on-street parking and /or alternative drop off and pick up areas; and reduces the HCCF special permit application fee from \$1,100 to \$435. **Adopted June 18, 2013; Effective June 19, 2013.**

**ZO-13-441 MINOR REVISIONS**

Allows a modification due to error in building location of the locational requirements for freestanding accessory structures to be approved administratively by the Zoning Administrator or by special permit by the Board of Zoning Appeals (BZA); allows the BZA to approve a reduction in the minimum yard requirements due to errors in building locations that are no greater than 10% of the measurement involved in conjunction with the approval of a special permit for another use or approval of a variance on the property, or in conjunction with another error in building location on the property that exceeds 10%; and requires that at least one member of the Architectural Review Board is an archaeologist. **Adopted September 24, 2013; Effective September 25, 2013.**

**ZO-13-442 TEMPORARY FAMILY HEALTH CARE STRUCTURES**

Incorporates the state mandated provisions of Sect. 15.2-2292.1 of the *Code of Virginia* pertaining to temporary family health care structures into the Zoning Ordinance by defining a temporary family health care structure and allowing such structures as a permitted accessory use on property zoned for and developed with a single family detached dwelling, subject to Zoning Administrator approval and in accordance with occupancy, structural, locational, signage, and other verification, inspection, and durational limitations. **Adopted September 24, 2013; Effective September 25, 2013.**

**ZO-14-443 STORMWATER MANAGEMENT**

Implements the state mandated Virginia Stormwater Management Act (Va. Code Ann. § 62.1-44.15:24, et seq.) and Virginia Stormwater Management Program (VSMP) Permit Regulations (4 VAC 50-60 et seq.). **Adopted January 28, 2014; Effective July 1, 2014**

**Associated Amendments** – Stormwater Management Ordinance Amendment 08-14-124; Pollution of State Waters Amendment 05-14-105; Stormwater Drainage Amendment 06-14-106; Subdivision Ordinance Amendment 03-14-101; Erosion and Sedimentation Control Amendment 04-14-104; Chesapeake Bay Preservation Ordinance Amendment 07-14-118; Land Development Service Fee Amendment 09-14-Q were adopted simultaneously on 1/28/14.

**ZO-14-444 HOME CHILD CARE FACILITIES AND CHILD CARE CENTERS FOR OCCASIONAL CARE**

Revises the use limitations in the PDH, PDC, PRM, and PTC Districts so that home child care facilities requiring special exception approval are subject to the same additional standards and plan submission requirements that are applicable to home child care facilities requiring special permit approval. Reduces the current special exception application fee of \$1,100 for home child care facilities to \$435. Allows child care facilities for occasional care provisions in regional and super-regional shopping centers as a permitted accessory use, provided that such use is located within the main structure of a regional or super-regional shopping center. **Adopted February 11, 2014; Effective February 12, 2014.**

**ZO-14-445 FOOD TRUCKS** Establishes a new food truck use that is permitted as an accessory use on private property in any commercial or industrial district, in the commercial portions of a P district, or on any construction site with an active building permit and on-going construction activity, subject to applicable regulations, which include obtaining the necessary food truck permit from the Zoning Administrator. **Adopted October 7, 2014; Effective October 8, 2014.****ZO-14-446 TELECOMMUNICATION FACILITIES**

Increases the maximum allowed volume and height of an unmanned equipment cabinet that is permitted to be located by-right on an existing or replacement utility distribution and transmission pole or light/camera standard in any street right-of-way or utility easement, in support of a telecommunication facility. In addition, clarifies the limitation placed on the number of permitted antennas for such facilities by eliminating the maximum allotment when the proposed antennas are entirely enclosed within a stealth extension of the existing or replacement pole or standard. **Adopted October 28, 2014; Effective October 29, 2014.**

**ZO-14-447 PLANNED DEVELOPMENT DISTRICT RECREATIONAL FEE -**  
Increases the minimum expenditure per dwelling unit for recreational facilities required in the PDH, PDC, PRM and PTC Planned Development Districts from \$1700 to \$1800. **Adopted October 28, 2014; Effective October 29, 2014.**

**Grandfather** - The following are grandfathered from the provisions of this 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 October 29, 2014 and approved by March 1, 2015 shall be grandfathered from this amendment.
- Additionally, proffered condition amendments which proposed to add dwelling units and are accepted on or after October 29, 2014 shall be subject to the requirements of this amendment for the additional density.

**ZO-15-448 AS-BUILT REQUIREMENTS -**  
Revises the as-built requirements for site plans and relocates the detailed provisions from Article 17 of the Zoning Ordinance into a new section in the PFM. **Adopted 3/3/15; Effective 3/4/15**

**Associated Amendments** - See also Subdivision Ordinance Amendment 05-15-101 and Public Facilities Manual Amendment 119-15-PFM which were adopted simultaneously on 3/3/15.

**ZO-15-449 ARCHITECTURAL REVIEW BOARD (ARB) PROJECT APPROVAL PROCESS AND VOTING MEMBERSHIP -**  
Makes the ex-officio History Commission member a voting member, clarifies other ARB membership requirements, and increases the number of building permit applications in Historic Overlay Districts that require only administrative approval, rather than review and approval by the ARB. **Adopted 6/23/15; Effective 6/24/15**

**ZO-15-450 MINOR/EDITORIAL REVISIONS –**  
Makes changes to allow larger directional/panel antennas mounted on existing or replacement utility/transmission/ light/camera poles; increase diameter for new or replacement light/camera poles; permits BZA to allow nonresident home child care employee to work beyond 7AM to 6PM by special permit; allows temporary farmers' markets on any arterial street and clarifies permitted display features; revises reference to Noise Ordinance; deletes metric units of measure and replaces with English units; specifies that counselors can be resident or non-resident in a group residential facility. **Adopted October 6, 2015; Effective October 7, 2015, except for Noise Ordinance to be effective when those changes are adopted into the County Code.**

- ZO-15-451 DONATION DROP-OFF BOXES -**  
Adds regulations to designate donation drop-off boxes as a specific accessory use and establishes standards for placement and maintenance of such containers, including limitations on locations; number of containers per lot; dimensions of containers and restrictions on locations on-site and requirements for operator identification and contact information. **Adopted November 17, 2015; Effective November 18, 2015.**
- ZO-15-452 ALTERNATIVE LENDING INSTITUTIONS -**  
Defines and establishes alternative lending institutions, to include motor vehicle title lenders and payday lenders, as a distinct land use in select commercial zoning districts with use limitations. **Adopted November 17, 2015; Effective November 18, 2015**
- ZO-16-453 APPROVAL PROCESS FOR MONOPOLES AND TOWERS -**  
Requires special exception approval by the Board of Supervisors prior to the installation of any monopole or telecommunication tower in lieu of the previous provisions which allowed monopoles and towers to be permitted by right at certain locations and when all applicable zoning regulations are met. **Adopted June 21, 2016; Effective June 22, 2016**
- ZO-16-454 PLANNED DEVELOPMENT COMMERCIAL AND PLANNED RESIDENTIAL MIXED USED DISTRICTS AND OTHER ASSOCIATED CHANGES -**  
Establishes a 3.0 maximum FAR in the McLean CRD and CBC and a 5.0 maximum in all other CRDs, CBCs and TSAs in the PDC and PRM Districts; clarifies parking reduction provisions and adds provisions for a temporary parking reduction/relocation for redeveloped properties, requires the inclusion of cellar space in PDC and PRM Districts; adds commercial recreation restaurants, indoor kennels, indoor veterinary hospitals, and indoor vehicle sales and service to the PDC or PRM Districts; allows fast food restaurants in residential buildings in the PDC District; allows the Board of Supervisors to modify sight distance, transitional screening/barriers along the Dulles Airport Access roadways; and other editorial and clarifying changes. **Adopted June 21, 2016; Effective June 22, 2016.**
- ZO-16-455 SHAPE FACTOR IN THE R-C DISTRICT; INCREASE IN RESIDENTIAL BUILDING HEIGHT; AND MINOR LOT LINE ADJUSTMENTS –**  
Adds a shape factor requirement in the R-C District. When a lot is subject to a lot width waiver special exception approved by the Board, excludes the pipestem portion of such lot from the shape factor requirement. Facilitates a more logical minor adjustment of lot lines between corner lots and contiguous lots when such lots do not meet the current minimum district size, lot area, lot width and/or shape factor requirements of the zoning district in which located, but such lots met the requirements of the Zoning Ordinance in effect at the time of recordation. Allows the maximum building height for single family detached dwellings to be increased

in the R-C and R-E Districts from 35 to 40 feet, provided a minimum required yard of 50 feet is maintained from all lot lines for any dwelling with a height greater than 35 feet. **Adopted September 20, 2016; Effective September 21, 2016**

**Grandfather** - The following are grandfathered from the provisions of this amendment:

- **Lots in the R-C District that have been recorded on or before September 21, 2016, shall be grandfathered from the shape factor requirement.**

**ZO-16-456 REFERENCE CITATIONS FOR NURSERY SCHOOLS, CHILD CARE CENTERS & VETERINARY HOSPITALS; SPECIAL PERMIT SUBMISSION REQUIREMENTS; VARIANCE STANDARDS; AND DEFINITIONS OF PUBLIC USE AND SCHOOL OF GENERAL EDUCATION –**

Adds reference citations to the use limitations applicable to nursery schools, child care centers and veterinary hospitals which are permitted uses in certain commercial districts; modifies the special permit submission requirements for all special permit applications to reduce the number of original copies required to be submitted and to require the ownership statement to be notarized; modifies the additional standards for a home child care facility, home professional office and accessory dwelling unit to require the submission of a certified plat prepared by a licensed professional, a dimensioned floor plan, as well as other editorial changes; modifies the variance standards to conform to the standards and requirements set forth in the Code of Virginia; and amends the definitions of public use and school of general education to clarify that uses sponsored or operated by any other county, city or town other than Fairfax County shall be not be deemed a public use and that a private school of general education shall include a public school operated by another county, city or town. **Adopted October 18, 2016; Effective October 19, 2016**

**ZO-16-457 FARM WINERIES, LIMITED BREWERIES, AND LIMITED DISTILLERIES -**

Amends the definition of agriculture and establishes new definitions for a farm winery, limited brewery, and limited distillery; prohibits any new farm winery/brewery/distillery in the Residential Conservation (R-C) District; requires special exception approval for an expansion of any existing farm winery/brewery/distillery located in the R-C District as of July 1, 2016; requires special exception approval for development of a farm winery/brewery/distillery in the R-C District for those properties that were subject to a pending Alcoholic Beverage Control Board license as of July 1, 2016; establishes appropriate fees and standards/limitations for the special exception use of farm

winery/brewery/distillery. **Adopted December 6, 2016; Effective December 7, 2016.**

**ZO-17-458 RIDING AND BOARDING STABLES -**

Amends the definition of riding/boarding stables; establishes horseback riding lessons as a permitted home occupation use; amends the use limitations for home occupation uses and adds use limitations for horseback riding lessons; increases the maximum number of horses or ponies that can be boarded by right to up to five (5) horses on lots containing a minimum of two (2) acres and less than five (5) acres, and eight (8) on lots containing five (5) acres or more acres. **Adopted February 14, 2017; Effective February 15, 2017.**

**2/15/17**