



# *Fairfax County, Virginia* **BOARD OF SUPERVISORS** **DRAFT AGENDA**

**Tuesday**  
**March 9, 2021**

*Note: This draft agenda is produced two weeks prior to the Board Meeting and is subject to change. A final agenda is available for review in the Office of the Clerk for the Board and at <https://www.fairfaxcounty.gov/boardofsupervisors/board-supervisors-meetings> by the Friday prior to each Tuesday meeting.*

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2:00 p.m. Recognition of Tisha Deeghan  
2:00 p.m. Report on General Assembly Activities  
2:00 p.m. Matters Presented by Board Members  
2:00 p.m. Items Presented by the County Executive  
3:30 p.m. – 4:00 p.m. Public Hearings (see listings below for times and Public Hearings)  
4:00 p.m. Closed Session

3:30 p.m. SE 2020-DR-014 - MODERN MEDIA DESIGN, CORP., SE Appl. under Sect. 3-304 of the Zoning Ordinance to permit office in a residential district. Located at 1566 Chain Bridge Rd., McLean, 22101 on approx. 15,125 sq. ft. of land zoned R-3, CRD and SC. Dranesville District. Tax Map 30-4 ((2)) (6) 41. (Assoc. with SP 2020-DR-064).

3:30 p.m. RZ 2018-PR-013 - WHITE GRANITE ASSOCIATES LLC, RZ Appl. to rezone from C-3 to R-16 to permit residential development with a total density of 14.2 dwelling units per acre (du/ac). Located in the N.E. quadrant of Chain Bridge Rd. and Interstate 66, along the terminus of White Granite Dr. on approx. 1.27 ac. of land. Comp. Plan Rec: Residential, 12-16 du/ac. Providence District. Tax Map 47-4 ((1)) 14.

3:30 p.m. RZ 2019-SU-020 - EB ALBEMARLE, LLC, RZ Appl. to rezone from I-5, WS to PDC, WS to permit mixed use development with an overall Floor Area Ratio (FAR) of 0.47 (Inclusive of bonus density associated with ADU/WDUs) and approval of the conceptual development plan. Located on the W. side of Sully Rd. and E. side of Lee Rd., approx. 1,300 ft. N. of Willard Rd. on approx. 27.87 ac. of land. Comp. Plan Rec: Mixed Use. Sully District. Tax Map 34-3 ((1)) 34 (pt.). (Concurrent with PCA 74-2-124).

3:30 p.m. PCA 74-2-124 - EB ALBEMARLE, LLC, PCA Appl. to amend the proffers for RZ 74-2-124 to permit deletion of land area. Located on the W. side of Sully Rd. and E. side of Lee Rd., approx. 1,300 ft. N. of Willard Rd. on approx. 28.52 ac. of land zoned I-5 and WS. Comp. Plan Rec: Mixed Use. Sully District. Tax Map 34-3 ((1)) 34. (Concurrent with RZ 2019-SU-003 and RZ 2019-SU-020).

3:30 p.m. RZ 2019-SU-003 - BUCHANAN PARTNERS, LLC, RZ Appl. to rezone from I-5 and WS to PDC and WS to permit mixed use development with an overall Floor Area Ratio (FAR) of 0.72 (Inclusive of bonus density associated with ADU/WDUs) and approval of the conceptual development plan. Located in the N.W. quadrant of the intersection of Sully Rd. and Willard Rd. on approx. 37.97

ac. of land. Comp. Plan Rec: Mixed Uses. Sully District. Tax Map 34-3 ((1)) 34 (pt.); 34-3 ((14)) B, 2, 3, 4, 6; 44-1 ((17)) A, C, 1, 5. (Concurrent with PCA 74-2-124 and PCA 74-2-091).

3:30 p.m. PCA 74-2-091 - BUCHANAN PARTNERS, LLC, PCA Appl. to amend the proffers for RZ 74-2-091 permit deletion of land area. Located in the N.W. quadrant of the intersection of Sully Rd. and Willard Rd. on approx. 37.33 ac. of land zoned PDC and WS. Comp. Plan Rec: Mixed Uses. Sully District. Tax Map 34-3 ((14)) B, 2, 3, 4 and 6; 44-1 ((17)) A, C, 1 and 5. (Concurrent with RZ 2019-SU-003).

3:30 p.m. SE 2020-SP-009 - HHP HOLDINGS, LLC, SE Appl. under Sect. 3-0C04, 9-530 and 10-104 of the Zoning Ordinance to permit a kennel and permit an increase in fence height to 8 ft. Located at 12605 Braddock Rd., Fairfax, 22030 on approx. 4.84 ac. of land zoned R-C and WS. Springfield District. Tax Map 66-2 ((3)) 3.

4:00 p.m. Public hearing on the proposed vacation of portions of the public roads known as Saint Augustine Lane and Saint Augustine Court pursuant to Virginia Code § 15.2-2272(2), consisting of a total of approximately 3,589 square feet, in the locations as shown on that certain plat entitled "Plat Showing Vacation of a Portion of Saint Augustine Lane and a Portion of Saint Augustine Court D. B. 12818 PG. 1003", dated October 14, 2020 and prepared by Tri-Tek Engineering. The subject roads are located on Tax Map 47-3, and are described on the vacation metes and bounds schedules prepared by Tri-Tek Engineering, all of which were prepared in conjunction with the plat titled "Plat Showing Vacation of a Portion of Saint Augustine Lane and a Portion of Saint Augustine Court D. B. 12818 PG. 1003" dated October 14, 2020, and all of which are on file with the Fairfax County Department of Transportation, 4050 Legato Road, Suite 400, Fairfax, Virginia 22033, Telephone Number (703) 877-5600.

4:00 p.m. Public hearing to consider the lease of Board-owned property to Sigora Solar for the purpose of installing solar facilities in the Braddock, Dranesville, Hunter Mill, Lee, Mason, Mount Vernon, Providence, Springfield and Sully Magisterial Districts. Properties include: The Public Safety Headquarters and Parking Garage at 12099 Government Center Parkway, identified by Tax Map No. 0561 15 006; the Great Falls Volunteer Fire Station at 9916 Georgetown Pike, identified by Tax Map No. 0131 01 0002; the McLean Community Center and Police Station at 1437 Balls Hill Road, identified by Tax Map No. 0301 01 0033A; the Wolf Trap Fire Station #42 at 1315 Beulah Road, identified by Tax Map No. 0193 01 0020; the McLean Community Center at 1234 Ingleside Avenue, identified by Tax Map No. 0302 03 0027; the John Marshall Library at 6209 Rose Hill Drive, identified by Tax Map No. 0823 12 B; the Richard Byrd Library at 7250 Commerce Street, identified by Tax Map No. 0803 01 0003C; the Lillian Carey Center at 5920 Summers Lane, identified by Tax Map No. 0614 01 0042; the Mason District Government Center and Police Station at 6507 Columbia Pike, identified by Tax Map No. 0613 01 0003; the Thomas Jefferson Library at 7415 Arlington Boulevard, identified by Tax Map No. 0503 01 0004; the Gum Springs Community Center at 8100 Fordson Road, identified by Tax Map No. 1012 01 0047; the Newington Vehicle Maintenance Facility at 6900 Newington Road, identified by Tax Map No. 0994 01 0017; the Merrifield Center and Merrifield Center Garage at 8221 Willow Oaks Corporate Drive, identified by Tax Map No. 0493 39 0001; the Animal Shelter at 4500 West Ox Road, identified by Tax Map No. 0561 01 0002; the Girl's Probation House at 12720 Lee Highway, identified by Tax Map No. 0554 01 0010; the Pohick Regional Library at 6450 Sydenstricker Road, identified by Tax Map No. 0882 01 0026; the Jermantown Vehicle and Fire Apparatus Maintenance Facility at 3609 Jermantown Road, identified by Tax Map No. 47 3 02 005; the Reston Fire Station at 1820 Wiehle Avenue, identified by Tax Map No. 0174 05 0005; the Edsall Road Fire Station at 5316 Carolina Place, identified by Tax Map No. 0802 01 0050; the Lorton Community Center and Library at 9518 and 9520 Richmond Highway, identified by Tax Map No. 1074 01 0034; the Woodlawn Fire Station at 8701 Lukens Lane, identified by Tax Map No. 1101 01 0028A and 1101

01 0029; and the Sully Community Center at 13800 Wall Road, identified by Tax Map No. 0244 0708 A.

4:00 p.m. Public hearing to consider the conveyance of Board-owned property located at the Franconia Governmental Center, with an address of 6121 Franconia Road and identified as Tax Map Nos. 0813 05 0002A, 0002B, 0002C1 and 0003A and Tax Map No. 0813 08 0503, Lee District, to the Fairfax County Redevelopment and Housing Authority.

4:00 p.m. Public hearing on the matter of the repeal of Chapter 112 (the Zoning Ordinance) of the 1976 Code of the County of Fairfax and the replacement with a new Zoning Ordinance (Chapter 112.1) to promote the health, safety, and general welfare of the public. The amendment includes the following proposed changes (with advertised options in brackets), which may be adopted in full or in part. The following is a descriptive summary only and does not include every detail:

- (1) Reorganize and reformat the Ordinance into nine articles, revise it to include new tables and graphics, and edit for plain language and readability.
- (2) Revise provisions throughout the Ordinance, such as the bulk regulations, parking rate table, the transitional screening and barrier table, and the airport noise compatibility table, to align with the new uses.
- (3) **Article 1:** Add references to an equitable community, providing affordable housing, and promoting a sense of community through placemaking in the purpose statements for the Ordinance. Replace effective date of the Ordinance. Add references to acknowledge Zoning Administrator's authority to interpret the Ordinance, issue determinations, and make reasonable accommodations.
- (4) **Article 2:** (a) Delete R-P (Residential-Preservation) and I-1 (Light Industrial Research) districts and associated provisions; (b) Delete angle of bulk plane (ABP) and add tables for setback relative to height to approximate most of the ABP standards; (c) Allow open space to count toward minimum 75 percent agriculture in R-A; (d) Replace the special permit ("SP") with an administrative permit for setback modifications for certain R-C lots subject to a final consent decree entered in specific Circuit Court cases in the 1980s; (e) Add lot and building standards for new use of stacked townhouses; (f) Rename mobile home park to "manufactured home park" and add regulations on that use for clarity; (g) Delete reference in C-8 District to uses requiring large land areas and good access, and delete preferred separation of 3 miles; (h) Delete requirement for P districts to conform with bulk regulations, landscaping, and screening provisions of conventional districts; (i) Add references to tree preservation and environmental protection in PDH purpose statement and delete advantageous construction techniques; (j) Delete PDH density bonuses; (k) Revise PDH secondary use limitations to align with new uses and classifications, including revising standards for secondary commercial uses to focus on design and integration rather than the need to serve residents of the development; (l) Add references to outdoor seating in PDH and PDC districts.
- (5) **Article 3:** (a) Historic Overlay Districts (HOD) – add new alternative use of historic buildings; remove procedural details of archaeological survey requirements; edit criteria for establishing an HOD to follow the National Register criteria of significance; and delete the height compatibility restriction in the Lake Anne Village Center HOD; (b) Commercial Revitalization Districts – if specified in the Comprehensive Plan, allow increased flexibility for building height and specify minimum front setback of 20 feet; allow for up to a 100 percent increase in office use in C-8 by SE; and require interior parking lot landscaping when the resulting parking lot has 20 or more spaces; (c) Airport Noise Overlay District – revise noise compatibility table to apply the standard from outdoor commercial recreation to farm winery, limited brewery, or limited distillery, and revise the standard for stadium or arena.

(6) **Article 4:** (a) Amend land uses and associated regulations to revise use names, permissions, and standards, create new uses, and consolidate uses; (b) Present use permissions by tables and revise use permissions for uses, including the following (consolidated and revised use names): riding and boarding stable; stacked townhouse dwelling; live-work development; religious group living; residence hall; adult day support center; alternate use of public facility; child care center; club, service organization, or community center; college or university; community swim, tennis, and recreation club; cultural facility or museum; religious assembly; religious assembly with private school, specialized instruction center, or child care center; private school; specialized instruction center; cemetery; crematory; funeral home; airport; helipad; transit facility; solar power facility; heavy utility facility; light utility facility; animal shelter; kennel; pet grooming establishment; veterinary hospital; catering; hotel or motel; retreat center; drive-through financial institution; financial institution; office; office in a residential district ("R district"); massage therapy establishment; banquet or reception hall; indoor commercial recreation; outdoor commercial recreation; public entertainment; golf course or country club; large health and exercise facility; small health and exercise facility; commercial marina; quasi-public park, playground, or athletic field; smoking lounge; stadium or arena; zoo or aquarium; convenience store; drive-through pharmacy; garden center; general retail sales; car wash; commercial off-street parking; truck rental establishment; vehicle fueling station; light vehicle repair and maintenance; vehicle sales, rental, and service; data center; goods distribution hub; self-storage; warehouse; wholesale facility; contractor's office and shop; storage yard; accessory living unit; caretaker quarters; electric vehicle charging; gardening and composting; home day care facility; home-based business; limited riding or boarding stable; residence for manager or employee; solar collection system; construction site office and storage; food truck; and alternative use of historic building; (c) Present use-specific standards for each use. Most standards are carried forward, but some have been revised, including:

(i) Where a use was permitted only within an office or industrial complex with a minimum of 30,000 square feet, replace that area requirement with a complex planned and managed on an integrated and coordinated basis.

(ii) General Use Standards: 1. Add a special exception ("SE") for alternative use of historic buildings; 2. Revise the uses, permissions, and standards for accessory service uses, renamed associated service use; 3. Specify what standards may be modified or waived by the Board of Supervisors ("Board"); 4. Clarify and revise standards that apply to outdoor storage; 5. Include performance standards; 6. Delete maximum sizes of business establishments in C-5; 7. Limit on parking or storage of construction machinery or equipment, vehicles used for transporting construction equipment or materials, or similar vehicles extended to C-5 through C-8; 8. Expand standards for administrative permit approvals to additional uses.

(iii) Agricultural and Related Uses: Replace the term "major arterial" with "principal arterial" in the standards for farm winery, limited brewery, and limited distillery. Add standard requiring a conservation plan for a riding or boarding stable approved by SE or SP.

(iv) Residential Uses: 1. In commercial and industrial districts ("C and I districts"), require religious group living to be in conjunction with and in the same structure as a religious assembly and require a residence hall to be in conjunction with a private school, college or university, or a religious assembly use; 2. Extend the maximum length of contiguous single-family attached and stacked townhouse dwellings to 250 feet; 3. Add standards for the new live-work development to prohibit any activity that is not a permitted or an SE or SP use, as well as other specified types of nonresidential uses; 4. Add standard making nonconforming any manufactured home that does not meet federal regulations; 5. Require a group household to provide sufficient parking.

(v) Public, Institutional, and Community Uses: 1. Add standards for the new adult day support center use relating to access, location, outdoor recreation, and other provisions; 2. Add a standard to prohibit

a club, service organization, or community center use in an R district or residential area of a P district from renting out its facility for non-member events unless approved by the Board; 3. Add standards requiring a college or university to be enclosed and not have residential, athletic, or large-scale assembly facilities when by right; 4. Require a parsonage or rectory in a C or I district to be located in conjunction with a religious assembly use when by right; 5. Allow a columbarium as part of a funeral home in an enclosed building in C and I districts; 6. Add standards for the new solar power facility use, including setbacks, height limits, decommissioning plans, and requirement that in R-A it can be located only with an agricultural operation; 7. Allow the specialized instruction center use for vocational training by SE in I-6.

(vi) Commercial Uses: 1. Allow outdoor facilities with animal shelter, kennel, or veterinary hospital in commercial and planned districts by SE, subject to additional standard for animals to be kept indoors during certain time period unless modified by the Board; 2. Add standards for new pet grooming establishment use; 3. Prohibit accessory rental of bed and breakfast to non-guests for events unless approved by the Board; 4. Add size limits to new catering use in certain C and I districts and allow limited accessory retail sales in I districts; 5. Prohibit storage of commercial vehicles with commercial off-street parking use; 6. Delete list of specific types of activities associated with indoor commercial recreation and add standards, including a requirement for a structure to be fully enclosed with certain materials for discharge of firearm, a limit on the by-right size in C-5, and allowance for by right in C-3 and C-4 only if in existing building; 7. Add minimum lot area for certain outdoor commercial recreation uses, including ropes courses, paintball, and golf driving ranges in certain R districts; 8. Extend limits on accessory landscape contracting services with a by-right garden center in C-5 through C-8; 9. Add standards to office: a. Limit explosive and potential hazardous materials in commercial and planned districts; and b. Allow SE for office use to be up to 100 percent of the permitted floor area ratio in certain commercial districts; 10. Add standards to new public entertainment use to: a. Allow the Board to consider factors such as safety, noise, and hours and impose conditions during the SE review process; b. Permit food, beverage, and smoking activities in conjunction with the use; and c. Allow only in conjunction with certain uses in I districts; 11. Add standards to new smoking lounge use, including allowing accessory retail sales when permitted by SE or SP and allowing as an accessory use in conjunction with a restaurant or public entertainment use; 12. Replace restaurant standard allowing 1/8 of the dining area to be accessory entertainment with 15 percent or 250 square feet, whichever is larger, and allow accessory hookah and other activities without specific area limit; 13. Revise and delete certain existing standards for general retail sales; 14. Require all truck parking to be on-site with a truck rental establishment and allow by SE in I-4 with self-storage; 15. Allow vehicle sales, rental, and service use by right in certain districts when office size is limited to 2,500 square feet, the number of rental vehicles is limited to 15, and there is no car wash, maintenance, or refueling on-site; 16. Add standard to light vehicle repair and maintenance to require storage of vehicles to be shown on an approved site plan.

(vii) Industrial Uses: 1. Add standards for new data center use, including: a. Requirement for enclosure or screening of associated equipment in certain zoning districts; b. Maximum size limits; and c. Size limits allowed to be exceeded with repurposing or SE approval; 2. Add standards for new goods distribution hub use, including: a. Maximum size limits; b. Vehicle number and size limits; and c. Size limits allowed to be exceeded with repurposing accompanied by retail sales or in-person interaction or SE approval; 3. Add standards to self-storage, including allowing incidental retail sales and requirements for screening, appearance, and parking of trucks; 4. Allow a storage yard for vehicle storage by SE in certain I districts when in association with self-storage; 5. Prohibit outdoor storage of more than 5 inoperable vehicles with a vehicle storage or impoundment yard in I-5.

(viii) Accessory Uses:

1. Rename accessory dwelling units as accessory living units (“ALUs”) and revise the standards, including: a. Interior ALUs within a single-family detached dwelling unit: i. allow by administrative

- permit [***Alternatively, the Board may require SP approval for all ALUs.***]; ii. prohibit a separate driveway or curb cut and require that any new garage or carport be next to any existing garage or carport; iii. limit the size to 800 **[500-1,200]** square feet or 40 percent of the gross floor area of the principal dwelling when approved by administrative permit. **[Option: Allow the size limit to be exceeded if the ALU is in the basement or cellar.];** and iv. add a parking space requirement when approved by administrative permit; b. Detached ALUs: Limit the size to 1,200 **[700-1,500]** square feet; c. Interior and Detached ALUs: i. **[Option: Remove the requirement for an occupant to be 55 years in age or older or disabled, and if removed, also remove the standard requiring access and mobility features for a disabled person and remove the caretaker quarters use.];** and ii. Add requirements relating to well and septic systems and fire safety, and reduce the initial renewal timeframe.
2. Revise caretaker quarters to require SP approval and add new standards, including a maximum size of 800 **[700-1,200]** square feet and subject to BZA-imposed conditions, including a time limit. **[Option: The Board may remove this use if the age and disability requirement for ALUs is deleted.]**
  3. Add standards for new electric vehicle charging use including: a. Limit the height of dispensers and associated equipment; b. Allow associated solar canopies; c. Require screening or landscaping; d. Allow spaces to be counted toward minimum required number of parking spaces; and e. Limit digital display to one square foot.
  4. Limit the allowance for a request to increase fence or wall height in conjunction with approval of proffered conditions or another SE or SP request to nonresidential use when the height increase is needed for the use.
  5. Revise regulations for freestanding accessory structures, including: a. Revise height and location standards for accessory structures to consolidate regulations for freestanding accessory structures and allow structures up to 8.5 feet high with no setback in the side or rear yard, up to 12 **[10-12]** feet high with a 5-foot setback from side and rear lot lines, and over 12 **[10-12]** feet if located a distance equal to the side setback from the side lot line and located a distance equal to the structure's height from the rear lot line; b. Add a maximum height of 20 **[15-25]** feet for an enclosed accessory structure on a lot of 36,000 square feet or less with a single-family detached dwelling; c. Limit cumulative size of all enclosed accessory structures to 50 percent of the gross floor area of the principal dwelling on a lot of 36,000 square feet or less with a single-family detached dwelling; d. In a planned district, other than PRC, clarify the side yard setback is setback of the most similar conventional district or the minimum distance from the dwelling to the side lot line, whichever is less, when there are no proffered setbacks; in the PRC District, the minimum side setback is eight feet; e. Revise setback for a basketball hoop in a front yard from current setback of 12 feet to also allow the distance equal to the minimum side setback, whichever is less, and delete limit on hours of use; f. Clarify front setback for gardening and basketball hoop located on a corner lot; g. Remove prohibition on solid waste and recycling containers located in a driveway; and h. Clarify when a structure is considered part of a principal building and subject to principal building setbacks.
  6. Add 10-foot maximum height for gateposts.
  7. Replace the current home occupation, home professional office, and barbershop or beauty parlor as a home occupation with the home-based business use and revise standards, including:
    - a. Specify the allowed uses and standards that apply when allowed by administrative permit or SP;
    - b. Add a reference to allowed yard signs;
    - c. Add a maximum length of 28 feet for delivery vehicles;
    - d. Add other regulations regarding customers, including time limits between appointments, hours of operation, and parking;
    - e. Prohibit outdoor display of goods;
    - f. When allowed by administrative permit: i. limit the size to 400 **[200-750]** square feet; ii. allow one nonresident employee in single-family detached dwellings and no employees in other dwelling unit types **[Option: The Board may allow one employee for all dwelling unit types.];** iii. allow no on-site customers for retail sales and small-scale production, except to view samples of items created on-site; and iv. for other uses, allow up to 2 **[0-4]** customers at a time, 6 **[0-8]** customers in a day, but no customers when the business is co-located with a home day care facility;
    - g. Include SP options for additional employees

- or customers, different work hours for employees, and certain outdoor activities; and h. Add requirements relating to well and septic systems.
8. Codify that up to three aged, infirmed, or handicapped adults may be cared for at a home day care facility.
  9. Revise standards for the keeping of animals, including: a. Allow fewer than 5 pets not owned by the resident to be sheltered, fed, and watered for a fee, subject to limits based on minimum lot size; b. Delete “commonly accepted pets” to allow the Department of Animal Sheltering to make companion and exotic animal determinations; and c. Clarify that the BZA may not approve an SP for a rooster.
  10. Add standards for solar collection system, which must primarily meet on-site demands. Allow roof-mounted solar collection system to exceed the maximum building height of the district by 5 feet.
  11. Codify that shipping containers are permitted accessory to a residential dwelling only when used for temporary storage on a lot with an active building permit. When located with nonresidential uses, they are subject to all other applicable regulations, including location standards and floor area ratio.
  12. Specify standards for vehicle storage, including that vehicles covered by tarp are considered outdoor storage and, in residential areas, a maximum of 2 **[0-3]** vehicles may be kept under fitted vehicle cover.
  13. Establish specific regulations for flags and flagpoles as follows: (a) Delete flagpoles and monuments from types of accessory structures exempt from height limits; (b) On a lot developed with a single-family dwelling, limit the height of a flagpole to 25 feet; (c) On a lot developed with any another use, limit the height of a flagpole to 60 **[20 – 80]** feet; (d) Establish a minimum front setback of five feet for a freestanding flagpole; (e) On a lot developed with a single-family dwelling, permit up to two **[2 – 3]** flags, each no more than 24 **[15 – 50]** square feet; and (f) On a lot developed with any other use, permit up to three flags, each no more than 96 **[96 – 216]** square feet. In Article 9, revise the definition of a flag, including adding “regardless of content” and deleting the references to being attached at the top and draped.

(ix) Temporary Uses: 1. Revise standards to allow food trucks at an approved nonresidential use in a residential zoning district and residential area of a planned district up to 12 times per year; 2. Change submission deadline for administrative permits for temporary uses from 21 days to 30 days before the event; 3. Broaden special event use to include other short-term events that fall outside other defined temporary uses; delete requirement that 21-day limit be applied consecutively and delete limit of 14 days within a three-month period; delete requirement for sponsor’s principal offices to be located in the County; delete required determination that the owner of a circus, fair, or carnival be of good repute; remove requirement of nonprofit sponsorship for certain activities; and require application for special event SP to be submitted 120 days in advance.

**(7) Article 5:** (a) Delete provision allowing rezoning of adjacent land in I or R district in certain circumstances on a parcel less than the minimum district size without a Board motion or SE; (b) Revise uses and zoning districts where the Board may exceed maximum building height by SE approval; (c) Replace the affordable dwelling unit example calculations with new examples and include stacked townhouse dwellings; (d) For future construction, delete the allowance for a carport to extend 5 feet into a minimum side setback; (e) Replace the minimum 50-foot dimension for cluster subdivision open space with a requirement to provide usable open space; (f) Delete the allowance for the rear setback to equal the side setback for corner lots in R-E through R-8 (not applicable to existing structures or additions to existing structures); (g) Allow attached decks to have certain modifications above and below the structure, including elements that extend up 8.5 feet from the deck floor and not more than 3 feet wide; (h) Allow an attached or detached deck or patio that is no more than 8 inches above ground level to encroach into any setback; (i) Clarify the 15-foot floodplain setback applies even if there is a property line between the floodplain and the dwelling and the 18-inch vertical separation (freeboard) requirement applies in a floodplain and to any lot with a floodplain or a lot abutting a lot

where a floodplain is located, unless modified for a lot outside the floodplain; (j) Permit accessory uses and structures in a floodplain when accessory to stacked townhouse dwellings and manufactured homes; (k) Replace landscaping strip standard with reference to Public Facility Manual requirements; (l) Exempt signs from maximum correlated color temperature; (m) Codify interpretation permitting Zoning Ordinance requirements to be met over a single site plan; (n) Allow setbacks for additions to single-family dwellings in planned districts (other than PRC) without proffers to be based on the lesser of the cluster setbacks for the most similar conventional district or the existing distance to the lot line established by the dwelling (also applicable to dwellings damaged or destroyed by natural disaster); (o) Apply 200-foot setback from interstates, the Dulles Toll Road, and railroad tracks to all principal buildings, not just those on lots directly abutting; (p) Add an SP option and standards for accessory structures on through lots; (q) Update transitional screening and barrier matrix based on new and consolidated uses; (r) Revise standards, including those addressing vegetation and impervious surface, for SE waiver of minimum lot size; (s) Add provision prohibiting the BZA from modifying location regulations for an error in building location SP that would result in a detached accessory structure in a front yard.

(8) **Article 6:** (a) Assign parking rates for new and consolidated uses based on the currently used or most similar rate; (b) Assign parking rate to new stacked townhouse use; (c) Reference required parking for group household use approved by SP; (d) Clarify farm winery, limited brewery, and limited distillery parking rates.

(9) **Article 7:** Define residential development as a minimum of 3 dwelling units where active construction project signage may be posted.

(10) **Article 8:** (a) Modify submission requirements for ALUs to allow either the Social Security Administration, Veterans Administration, Railroad Retirement Board, or one doctor to certify a disability; (b) Require the BZA clerk to notify the Court and the Board 60 days before a BZA member's term expires; (c) Remove provision allowing delayed development plan submission concurrent with rezoning or PCA application and remove provision allowing an application to retain its hearing date if it is amended 40 days or less before a hearing; (d) Consolidate and modify certain submission requirements for appeals and applications, including (i) reducing the number of copies required for submission; and (ii) requiring all existing utility easements and the preliminary location of new or relocated utilities to be shown on a plan or plat; (e) Carry forward fees, except the following are new or changed, as authorized by Virginia Code 15.2-2286(A)(6): (i) waiver of certain sign regulations SE: \$8,260 [~~\$8,260-16,375~~]; (ii) ALU administrative permit and renewal: \$200 [~~\$0-\$435~~] and \$70 [~~\$0-\$70~~]; and ALU SP renewal: \$70 [~~\$0-\$70~~]; (iii) home-based business administrative permit and SP: \$100 [~~\$50-\$200~~] and \$435 [~~\$435-\$910~~]; (iv) caretaker quarters SP: \$435; (v) adult day support center: \$1,100 (fewer than 100 adults) and \$11,025 (100 or more adults); (vi) alternative use of historic building SE: \$8,180 [~~\$8,180-\$16,375~~]; (vii) congregate living facility SE: \$8,180 [~~\$4,085-\$16,375~~]; (viii) quasi-public park, playground, or athletic field SE: \$8,180 [~~\$8,180-\$16,375~~]; (ix) SE for an addition to or replacement of existing single-family detached dwelling in floodplain: \$8,180 [~~\$8,180-\$16,375~~]; (x) amendment of previous approval for deletion of land area only:  $\frac{1}{4}$  [ ~~$\frac{1}{4}$ - $\frac{1}{2}$~~ ] of prevailing fee; (f) Delete the provisions relating to the establishment and duties of the Tree Commission and the Geotechnical Review Board; (g) Delete prohibition on rehearing SE and SP applications within 12 months of withdrawal or denial; (h) Clarify that minor modifications also apply to a PRC plan; (i) Add requirements that minor site plan be certified by a professional, show landscaping, and when the project involves changes to topography, those changes in topography must be shown; (j) Allow modification of submission requirements, except for the application form, legal description, affidavit, and application fee; (k) Require PTC rezoning application to identify any development within 1/3 mile of Metro station entrance; (l) Allow Zoning Administrator to modify zoning requirements by making reasonable accommodation decisions; (m) Allow restoration of nonconforming structure that is not so damaged or structurally unsafe as to make collapse likely; (n) Require bonded decommissioning



agreement for solar power facilities subject to Virginia Code 15.2-2232 review; (o) Change rezoning hearing and decision timeframes from “must” to “should”; (p) Modify specific variance application submission requirements, change BZA decision timeframe from “must” to “should,” and clarify that a variance is not permitted when SE or SP option is available; (q) Add refund provisions for applications not accepted or administratively withdrawn; (r) Clarify that the Board is the final decision-making body after public hearings and it may adopt provisions relating to previous approvals; (s) Modify certain provisions pertaining to decision-making bodies to reflect current practice; (t) Supplement appeal procedures to follow the Virginia Code.

(11) **Article 9:** (a) Define all land uses, add new non-use definitions, and revise certain existing definitions; (b) Delete definitions that are no longer needed; (c) Add list of abbreviations.

The public hearings are available to view live on Channel 16 and stream live online at [www.fairfaxcounty.gov/cableconsumer/channel-16/live-video-stream](http://www.fairfaxcounty.gov/cableconsumer/channel-16/live-video-stream). Live audio of the meeting may be accessed at 703-324-5300. Those wishing to testify may do so via phone or pre-recorded YouTube video. Speakers wishing to testify via video must register by signing up online below or by calling the Department of Clerk Services at 703-324-3151, TTY 711, and must submit their video no later than 9 a.m. on the day prior to the hearing. Speakers wishing to testify via phone must sign up to testify no later than 12:00 p.m. the day of the hearing to be placed on the Speakers List. Speakers not on the Speakers List may be heard by telephone after the registered speakers have testified. In addition, written testimony and other submissions will be received by mail at 12000 Government Center Parkway, Suite 552, Fairfax, 22035 or by email at [ClerktotheBOS@fairfaxcounty.gov](mailto:ClerktotheBOS@fairfaxcounty.gov). More information on the ways to testify can be found at <https://www.fairfaxcounty.gov/clerkservices/ways-provide-public-hearing-testimony>.

Copies of the full text of proposed ordinances, plans and amendments, as applicable, as well as other documents relating to the aforementioned subjects, are on file and available for review at the Office of the Clerk for the Board of Supervisors and on the County’s website at [www.fairfaxcounty.gov](http://www.fairfaxcounty.gov). To make arrangements to view the documents, please contact the Office of the Clerk for the Board of Supervisors at 703-324-3151.

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