

**ADOPTION OF AN AMENDMENT TO CHAPTER 112.1
(ZONING) OF THE 1976 CODE OF THE COUNTY OF FAIRFAX, VIRGINIA**

At a regular meeting of the Board of Supervisors of Fairfax County, Virginia, held in the Board Auditorium, Lobby Level, Government Center Building, 12000 Government Center Parkway, Fairfax, Virginia, on Tuesday, July 13, 2021, the Board after having first given notice of its intention so to do, in the manner prescribed by law, adopted an amendment to Chapter 112.1 (Zoning) of the 1976 Code of the County of Fairfax, Virginia, said amendment so adopted being in the words and figures following:

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

Amend Chapter 112.1 (Zoning Ordinance), as follows:

Revise subsection 2105.4.C(1)(a)1 by deleting the word “for” in the second sentence to read as follows.

Article 2 – Zoning Districts

2105. Planned Districts

4. PDC Planned Development Commercial District

C. Additional Standards

Secondary Uses

- (a) Secondary uses are only permitted in a PDC District containing one or more principal uses. Unless the Board modifies the gross floor area in conjunction with a conceptual development plan approval to implement the comprehensive plan, the gross floor area is limited as follows:
 - 1. The gross floor area of dwellings may not exceed 50 percent of the gross floor area of all principal uses in the development, except for floor area for affordable and market rate dwelling units that comprise the increased density in accordance with Section 5101. The floor area for dwellings is determined in accordance with the gross floor area definition, except the following features are not included:
 - a. Balconies, porches, decks, breezeways, stoops, and stairs that may be covered but have at least one open side; and
 - b. Breezeways that may be covered but have two open ends.
 - c. For the purpose of this subsection, an open side or open end has no more than 50 percent of the total area between the side(s), roof, and floor enclosed with railings, walls, or architectural features.

Revise Table 4101.1: to add a "P" to allow Dwelling, Multifamily – ADU Development as a permitted use in the R-5 and R-8 Districts and to allow Dwelling, Single Family Attached – ADU Development as a permitted use in the R-2, R-3, and R-4 Districts; and to add an "AP" to allow an administrative permit for Farmers Market in the R-A District, as shown below.

Article 4 – Use Regulations

4101. Use Tables

3. Use Table for Residential, Commercial, and Industrial Districts

TABLE 4101.1: Use Table for Residential, Commercial, and Industrial Districts

P = permitted; SE = special exception; SP = special permit; *blank cell* = not allowed
 A = allowed as accessory use only; A+ = permitted as an associated service use; AP = allowed with approval of administrative permit

Use	Residential Districts													Commercial Districts								Industrial Districts						Use-Specific Standards NOTE: General Standards also apply	
	R-A	R-C	R-E	R-1	R-2	R-3	R-4	R-5	R-8	R-12	R-16	R-20	R-30	R-MHP	C-1	C-2	C-3	C-4	C-5	C-6	C-7	C-8	I-1	I-2	I-3	I-4	I-5		I-6
RESIDENTIAL USES																													
Household Living: uses characterized by residential occupancy of a dwelling unit that functions as a single household																													
Dwelling, Multifamily																													
Dwelling, Multifamily – ADU Development								P	P	P	P	P																	
Dwelling, Single-Family Attached								P	P	P	P	P																	4102.3.B
Dwelling, Single-Family Attached - ADU Development					P	P	P	P	P	P	P	P																	
Dwelling, Single-Family Detached	P	P	P	P	P	P	P	P	P					P															4102.3.C
TEMPORARY USES																													
Community Garden	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A		A	A	A	A	A	4102.1.I
	AP	AP	AP	AP	AP	AP	AP	AP	AP	AP	AP	AP	AP	AP	AP	AP	AP	AP	AP	AP	AP	AP		AP	AP	AP	AP	AP	4102.8.B
	SP	SP	SP	SP	SP	SP	SP	SP	SP	SP	SP	SP	SP	SP	SP	SP	SP	SP	SP	SP	SP	SP		SP	SP	SP	SP	SP	
Construction Site Office and Storage		AP	AP	AP	AP	AP	AP	AP	AP	AP	AP	AP	AP	AP		AP	AP	AP	AP	AP	4102.1.I								
																													4102.8.C
Farmers Market	AP	AP	AP	AP	AP	AP	AP	AP	AP	AP	AP	AP	AP	AP	AP	AP	AP	AP	AP	AP	AP	AP		AP	AP	AP	AP	AP	4102.1.I
																													4102.8.D
Food Truck	AP	AP	AP	AP	AP	AP	AP	AP	AP	AP	AP	AP	AP	AP	AP	AP	AP	AP	AP	AP	AP	AP		AP	AP	AP	AP	AP	4102.1.I
	SE	SE	SE	SE	SE	SE	SE	SE	SE	SE	SE	SE	SE	SE	SE	SE	SE	SE	SE	SE	SE	SE		SE	SE	SE	SE	SE	4102.8.E
	SP	SP	SP	SP	SP	SP	SP	SP	SP	SP	SP	SP	SP	SP	SP	SP	SP	SP	SP	SP	SP	SP		SP	SP	SP	SP	SP	

Revise subsection 5100.2.D(5)(c)4. by adding “side or rear” before setback in the first sentence as shown below.

Article 5 – Development Standards

5100. Lot, Bulk, and Open Space Regulations

2. Lot and Bulk Regulations

Setback Regulations

(5) Permitted Extensions into Minimum Required Setbacks

(c) Extensions for Decks or Patios

Table 5100.1 below summarizes the extensions allowed for decks or patios by structure type. For the purposes of this table, the following applies:

1. Height is measured from the lowest point of finished ground level adjacent to the structure to the highest part of the deck floor.
2. “Not closer than” is in reference to location from the lot line.
3. The extension that is most restrictive applies.
4. An attached or detached deck or patio is permitted to encroach into any side or rear setback if it is less than or equal to eight inches above finished ground level. A deck or patio greater than 8 inches above finished ground level is subject to the permitted extensions in Table 5100.1. The standards in subsections 7 and 8 below do not apply to detached decks or patios; any screening or design features on detached decks or patios are subject to the applicable regulations for fences or freestanding accessory structures.

Revise subsection 6100.2.B(2) by deleting “setback” and replacing it with “yard” as shown below.

Article 6 – Parking and Loading

6100. Off-Street Parking

2. Off-Street Parking Standards, Layout, and Design

B. Parking in Residential Districts

- (2) In the R-1, R-2, R-3, and R-4 Districts, for single-family detached dwellings on lots containing 36,000 square feet or less, all parking for vehicles or trailers in a front yard must be on a surfaced area, except for temporary parking on an unsurfaced area in a front yard for a period not to exceed 48 hours for loading, unloading, cleaning, or repair of vehicles or trailers.

1. In subsection 8100.4.A, Table 8100.2, Summary of Special Permits, replace the subsection cross-reference for Certain Additions to an Existing Single-Family Detached Dwelling with a reference to subsection 5100.2.D(11)(f).
2. Revise the portion of the fee schedule, Table 8102.1, relating to special permits by adding fees for special permits for Accessory Structures on Through Lots, Increase in the Cumulative Square Footage of Accessory Structures, Increase in Flagpole Height, and Increase in the Height of Freestanding Accessory Structures; by reordering the words to read, "Fence or Wall"; and by listing the fee for Reduction of Required Setbacks for a Single-Family Lot, as shown below.
3. Revise the portion of the fee schedule relating to special exceptions by listing the fee for Home Day Care Facility; and by deleting an incorrect and unnecessary reference and correcting a typographical error, as shown below.
4. Revise the portion of the fee schedule relating to pending amendments and extensions of time by deleting the reference to "AP," specifying the types of applications that the fees for amending a previously approved application apply to, and by correcting a typographical error, as shown below.

Article 8 – Administration, Procedures, and Enforcement

8102. Fee Schedule

1. Fee Schedule

TABLE 8102.1: FEE SCHEDULE

This table includes standard fees related to approvals under the Zoning Ordinance. Additional fees may apply related to review or approval by other County departments or governmental or quasi-governmental agencies, or in accordance with Appendix Q of the County Code.

APPLICATION TYPE		FEE [1]
SPECIAL PERMITS [2]		
Standard fees for special permit approvals are listed below.		
General Fee Unless Otherwise Listed		\$16,375
Principal Uses		
Community Swim, Tennis and Recreation Club		\$4,085
Group Household or Religious Group Living		\$1,100
Marina, Private Noncommercial		\$4,085
Religious Assembly		\$1,100
Religious Assembly with Private School, Specialized Instruction Center, or Child Care Center	Private School, Specialized Instruction Center, or Child Care Center with fewer than 100 children	\$1,100

	Private School, Specialized Instruction Center, or Child Care Center with 100 children or more	\$11,025
Stable, Riding or Boarding		\$8,180
Accessory and Temporary Uses		
Accessory Living Unit	Special Permit	\$435
	Renewal Fee	\$70
Community Garden		\$435
Home Day Care Facility		\$435
Home-Based Business		\$435
Other Special Permits		
Accessory Structures on Through Lots		\$910
Increase in the Cumulative Square Footage of Freestanding Accessory Structures		\$910
Increase in Fence or Wall Height	Dwelling, Single-Family	\$435
	All Other Uses	\$2,500
Increase in Flagpole Height		\$435
Increase in the Height of a Freestanding Accessory Structure		\$910
Increase in Percentage of Rear Setback Coverage		\$910
Installation or Modification of a Noise Barrier on a Single Residential Lot		\$910
Modification of Grade for Single-Family Detached Dwelling		\$910
Modification of Limits to Keeping of Animals		\$435
Modification of Minimum Setback Requirements	Error in Building Location	\$910
	Certain Existing Structures and Uses	\$910
	Certain Additions to Existing Single-Family Detached Dwelling	\$910
	Reduction of Required Setbacks for a Single-Family Lot	\$910
	All Other Uses	\$8,180
SPECIAL EXCEPTIONS [2]		
Accessory Uses and Other Special Exceptions		
Home Day Care Facility		\$435
Modification of Shape Factor		\$8,180
Modification of Grade for Single-Family Detached Dwellings		\$910
Modification of Minimum Setback Requirements	Certain Existing Structures and Uses	\$910
	Reconstruction of Certain Single-Family Detached Dwellings that are Destroyed by Casualty	\$0
AMENDMENTS TO PENDING APPLICATIONS AND EXTENSIONS OF TIME [4][5]		
Applications for Variance, SP, or SE Approvals		
Extension of Time for a Special Permit or Special Exception Per Subsection 8100.3.D(3) or 8100.4.D(3)		1/8 of Application Fee
Amendment to a Pending Application for a Variance, Special Permit, or Special Exception		1/10 of Application Fee

Amendment to a Previously Approved and Currently Valid Application	Change of Permittee Only (SP)	\$500 or 1/2 of Application Fee, Whichever is Less
	With No New Construction (Variance, SP, or SE)	1/2 of New Application Fee
	With New Construction (Variance, SP, or SE)	New Application Fee

This amendment shall become effective on July 14, 2021, at 12:01 a.m.

GIVEN under my hand this 13th day of July 2021.

Jill G. Cooper
Clerk for the Board of Supervisors