



# Zoning Ordinance Modernization

Z M O D

Overview and Navigating the Zoning Ordinance

July 14, 2021



# New Ordinance Structure

## Articles:

- 1) General Provisions
- 2) Zoning Districts
- 3) Overlay Districts
- 4) Use Regulations
- 5) Development Standards
- 6) Parking and Loading
- 7) Signs
- 8) Administration, Procedures, and Enforcement
- 9) Definitions

\* Appendix 1 – Provisions Related to Previous Approvals

# New Uses

**Stacked Townhouse**



**Indoor Commercial Recreation**



**Outdoor Commercial Recreation**



**Goods Distribution Hub**

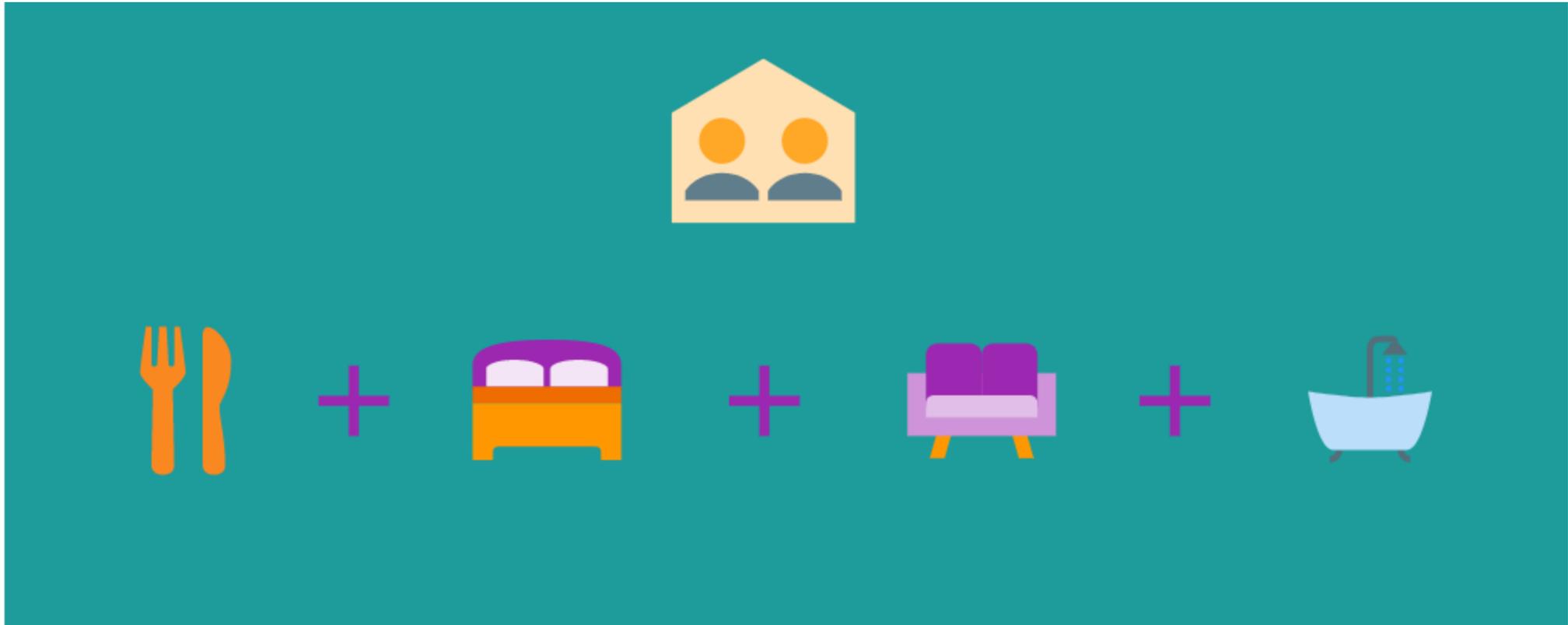


**Data Center**



# Accessory Living Units

*A secondary dwelling unit established in conjunction with and clearly subordinate to a single-family detached dwelling unit.*



# Accessory Living Unit Standards

**Process:** Administrative permit process if interior; special permit process for detached on lots with 2+ acres or if modifying certain interior standards

## Size Limitations

- Interior - 800 square feet of gross floor area or 40% of the gross floor area of the principal dwelling, whichever is less; or the size of the basement/cellar as of July 1, 2021
- Detached - 1,200 square feet

**Occupancy\*:** Limited to two bedrooms, two people, and the owner must live on the property



*\*No longer required to be occupied by somebody 55+ or a person with a disability*

# Accessory Living Unit Standards, cont'd

**Connection:** Interior ALUs must be wholly contained within the structure with direct access through an interior space that is finished, temperature controlled, and fully enclosed.

**Parking:** Must provide one additional off-street parking space

- Public street – three total spaces required
- Private street – four total spaces required

**Fire Safety:** For interior ALUS, provide interconnected smoke/carbon monoxide detectors

- New Building Code requirement for fire rated walls or fire alarm system if stove or oven is present in the ALU



# Home-Based Businesses



**Process:** Administrative permit; special permit to allow customers in certain scenarios

**Customers\*:** Four students at a time, eight students in a day for teaching; special permit required for certain other uses

**Employees\*:** One nonresident employee with SFD; no employees in all other dwellings

**Size Limitation\*:** 400 square feet

**Occupancy:** Must be the business operator's primary residence

*\*Special permit option to exceed these standards*

# Freestanding Accessory Structures

- Consolidates “sheds” and all other freestanding accessory structures
- Deletes 200 SF maximum shed size

## Up to 8.5 Feet

Anywhere in the side or rear yard



## Greater than 8.5 feet to 12 Feet

5-foot setback from side and rear



## Greater than 12 Feet

Must meet side setback and distance in height from rear



# Enclosed Freestanding Accessory Structures

New regulations apply to enclosed freestanding accessory structures on lots 36,000 SF in size or less with single family dwellings:

- Maximum height is 20 feet
- Cumulative maximum size of all enclosed accessory structures on a lot is limited to 50% of the size of the principal structure

*\*These limitations may be exceeded with special permit approval*



# Flagpole Height

## Maximum flagpole height

- 25 feet for single-family dwellings and manufactured homes
- 60 feet for other uses
- Special permit for an increase in height
- Lawfully existing flagpoles as of July 1 may continue, but new or replaced ones are subject to new Ordinance



# New Solar Uses

## Solar Power Facility

- Utility-scale solar
- Permitted in I-3 through I-6; requires SE in all other conventional districts and must be shown on an approved development plan or by SE in most planned districts



## Solar Collection System

- Accessory solar primarily meeting on-site demands
- Roof-mounted can exceed maximum building height by five feet
- Ground-mounted are subject to freestanding accessory structure setbacks



# Electric Vehicle Charging

Accessory use permitted when in conjunction with a principal use, subject to standards. Spaces are counted towards minimum parking requirements

When accessory to residential, limited to Level 1 or Level 2 chargers

When on a surface parking lot or top level of parking garage open to the sky:

- Maximum heights of structures = 9 feet
- No canopies on surface lots, unless supporting solar
- Related equipment must be screened
- Digital display area limited to 1 SF per dispenser



# Special Events

- Consolidated use & broader definition
- Administrative permit valid for 21 days, no longer required to be consecutive
- Removed outdated provisions
- Most uses no longer need to be sponsored by a non-profit, further expanding the permissions for who can host events



# Food Trucks

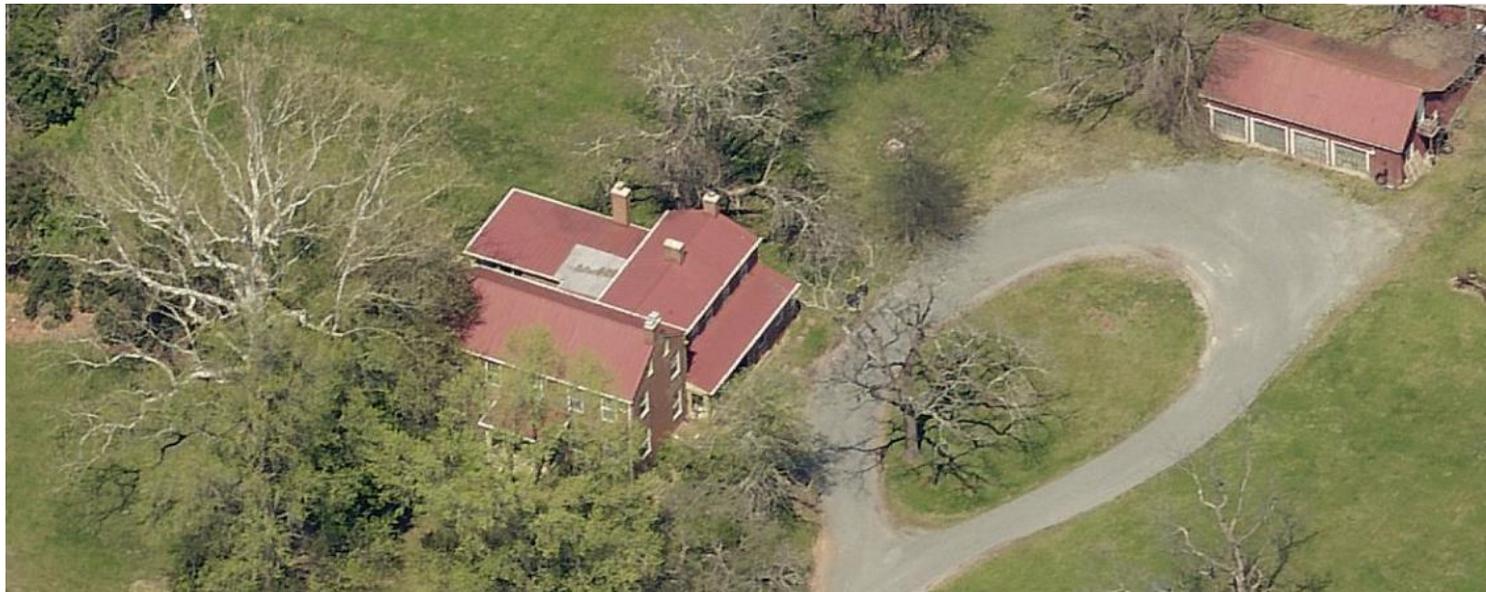
## Limited Additional Flexibility for Residential Areas



- Expanded to nonresidential uses in residential districts, such as pools and religious assemblies
- Must comply with other limits, e.g., max of 3 trucks for 4 hours
- Up to 12 times/year per location, or more with SE or SP approval

# Alternative Use of Historic Buildings

- Incentivizes historic preservation by allowing appropriate adaptive reuse
- Replaces the “older structures” SP with a new SE for nonresidential uses at historic sites on the Fairfax County Inventory



Bloomfield (Holly Knoll) c. 1858

# FAIRFAX COUNTY

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## VIRGINIA



PLANNING & DEVELOPMENT

## Fairfax County Zoning Ordinance

The Zoning Ordinance regulates land use in Fairfax County. It is intended to promote the health, safety, and general welfare of the public and to implement the Comprehensive Plan for the orderly and controlled development of the County. It is administered by the Zoning Administration Division within the Department of Planning and Development whose mission is to promote livable communities which enhance the quality of life for the present and the future. The Zoning Ordinance is subject to periodic revisions upon action by the Board of Supervisors. The Zoning Ordinance presented here is current as of April 13, 2021.

### Contact Information

Phone: [703-324-1314](tel:703-324-1314)

Email: [ordadmin@fairfaxcounty.gov](mailto:ordadmin@fairfaxcounty.gov)



**Zoning Ordinance**



**ZONING ORDINANCE**



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Enter a Term to Search the Zoning Ordinance:



Search Scope ▾

[4102.7.A General Standards for Accessory Uses and Structures \*\(Click for full text\)\*,](#)

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## **CURRENT ZONING ORDINANCE**

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→ [View The Current ZO Archive](#)

## **1941 ZONING ORDINANCE**

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[1941 Original](#)

[1945 Reprint](#)

[1954 Reprint](#)

## **1959 ZONING ORDINANCE**

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[1959 Original](#)

## **1978 ZONING ORDINANCE**

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[1982 Reprint](#)

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[1987 Reprint](#)

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[Building Permit And Review](#)[Comprehensive Plan](#)[Department Of Planning And Development](#)[FAQs](#)[GIS Mapping Applications](#)[Noise Ordinance](#)[PLUS](#)[Public Facilities Manual](#)[Zoning Applications](#)[Zoning In Fairfax County Additional Resources](#)[Zoning Permits](#)

Use Tables | Accessory Structure Height and Yard Requirements | Minimum Required Off-Street Vehicle Parking Spaces

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

TABLE 4101.2: Use Table for Planned Development Districts

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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
<b>AGRICULTURAL AND RELATED USES</b>																													
Agricultural and Related Uses: activities related to the growing or raising of plants or animals for food or other comparable activities, including agritourism and other similar use types. This category also includes riding or boarding stables.																													
Agricultural Operation	P	P	P	P																									4102.2.A
Farm Winery, Limited Brewery, or Limited Distillery	P	P	P	P																									4102.2.B
Stable, Riding or Boarding	SE	SE	SE	SE																									4102.2.C
<b>RESIDENTIAL USES</b>																													
Household Living: uses characterized by residential occupancy of a dwelling unit that functions as a single household																													
Dwelling, Multifamily										P	P	P	P																
Dwelling, Multifamily – ADU Development										P	P	P	P																

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      - 4101.2 Structure of the Use Classifica
      - 4101.3 Use Table for Residential, Co**
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ZONING ORDINANCE

Fairfax County Zoning Ordinance > Article 4 - Use Regulations > 4101. Use Tables > 4101.3 Use Table for Residential, Commercial, and Industrial Districts

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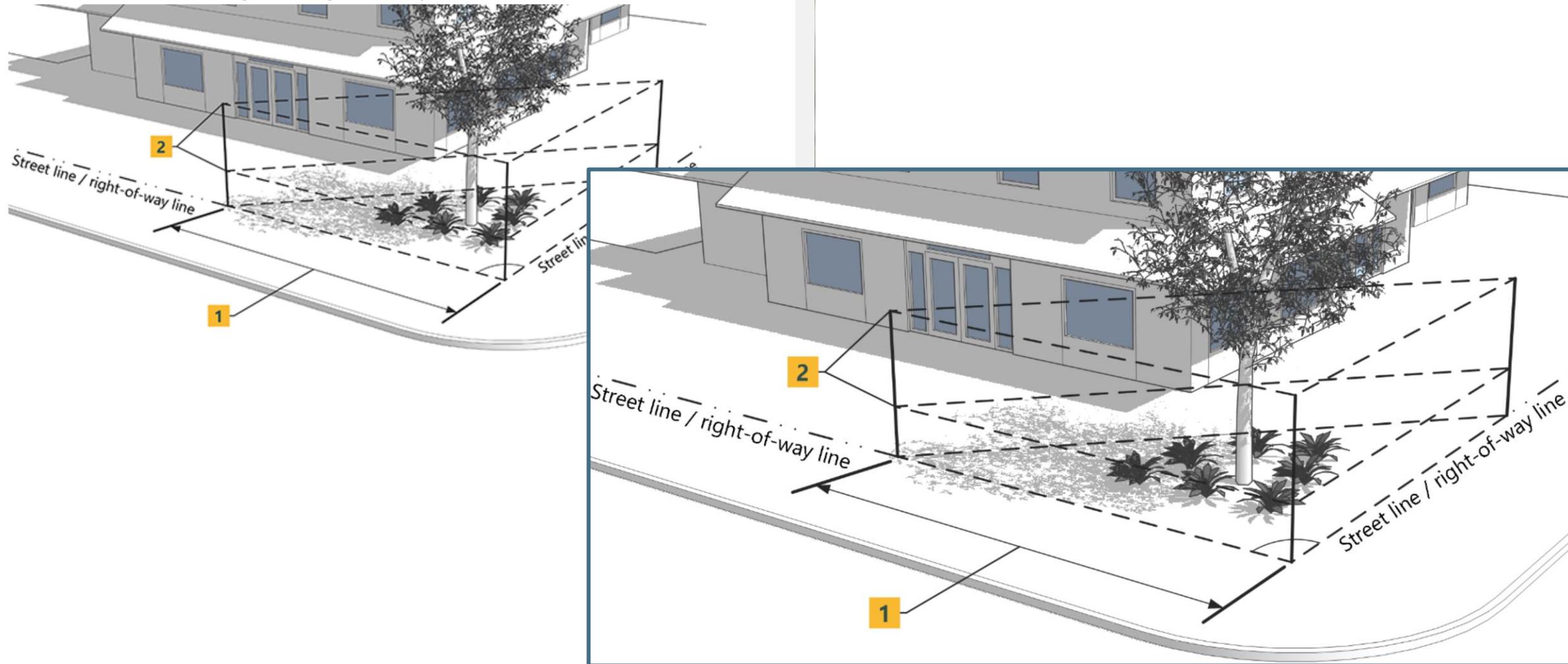
	Commercial Districts					Industrial Districts						Use-Specific Standards NOTE: General Standards also apply	
	C-4	C-5	C-6	C-7	C-8	I-1	I-2	I-3	I-4	I-5	I-6		
<b>Commercial Recreation, Outdoor</b>													
A commercial facility devoted to passive or active recreation where activities predominately take place outdoors. Examples of this use include outdoor swimming pools, outdoor athletic fields or courts, outdoor shooting ranges, and similar facilities where the predominant recreation activity takes place outside of a building. This use does not include any use meeting the definition of a golf course or country club or quasi-public parks, playgrounds, and athletic fields.													
Recreation, membership													
Banking													
Reception													
Camp												4102.5.Q	
Commercial													
Recreation, indoor												4102.5.R	
Indoor													
Commercial Recreation, Outdoor		SE	SE	SE								4102.5.S	
Entertainment, Adult						SP						4102.5.T	
Entertainment, Public							SE	SE	SE	SE	SE	4102.5.U	
Golf Course or Country Club		SE	SE	SE	SE	SE	SE	SE	SE	SE	SE	4102.5.V	
Health and Exercise Facility, Large										SP	SP	SP	4102.5.W
Health and Exercise Facility, Small										P	P	P	
Marina, Commercial		SE	SE	SE	SE	SE	SE	SE	SE	SE	SE	SE	4102.5.X

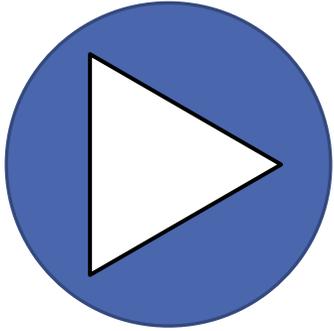
or entertainment-oriented activities by patrons or

4102.5.S

3. This sight distance triangle must be maintained clear of structures and plantings, except for a post, column, or trunk of a tree (not to include branches or foliage) equal or lesser than one foot in diameter.
4. The Board may modify the sight distance requirements on a corner lot in conjunction with the approval of a rezoning or special exception application, based on an evaluation of the specific development proposal which may consider compliance with sight distance requirements of the Virginia Department of Transportation and a specific sight distance analysis or any other relevant design guidelines that would demonstrate safe and adequate vehicular, bicycle, or pedestrian movements at an intersection.

Figure 5100.1: Sight Distance Requirements





# Live Demo

## Pet Grooming Establishment



# Questions & Discussion

