

FAIRFAX COUNTY



ZONING ORDINANCE MODERNIZATION PROJECT

OVERVIEW OF NEW ZONING ORDINANCE STRUCTURE

APRIL 6, 2021

This document summarizes the structure and organization of the new zMOD Ordinance. The updated [Ordinance](#) consolidates the previous 20 articles and six appendices into nine articles and one appendix. An overview of the content included in each of the new nine articles is provided below:

Article 1 – General Provisions

Article 1 lays the groundwork for the Ordinance, including the enabling legislation, the Ordinance structure, and the purpose and intent statements.

Article 2 – Zoning Districts

Article 2 includes the specific zoning districts and associated regulations, including aerial imagery and tables describing key lot and building dimensional standards (e.g. building height and setbacks).

Article 3 – Overlay and Commercial Revitalization Districts

Article 3 incorporates information previously located in Article 7 and separate appendices of the 1978 Ordinance into the body of the zMOD Ordinance. Regulations related to Historic Overlay Districts, Commercial Revitalization Districts, and other overlay districts are included in this article.

Article 4 – Use Regulations

Article 4 includes all land uses, how they are permitted in the various zoning districts, and associated use regulations. This article contains revisions from previous regulations, including new and consolidated uses, changes in some permissions, and revisions to use-specific standards that, depending on the use, may change the way that the use is established in the various zoning districts.

The Ordinance arranges uses into two use tables. There is a use table for the conventional districts and one for the planned districts. In both use tables, the uses are listed along the left-hand column and ultimately will be hyperlinked to their definitions. Along the right-hand column, the use-specific standards are listed and hyperlinked. Each district is listed across the top, and the planned district table further distinguishes principal and secondary uses, as well as the areas for the PRC District. The two tables are organized according to a three-tiered hierarchy that groups similar uses together as follows:

- Use Classifications: Each use is grouped under one of seven broad classifications: Agricultural and Related Uses; Residential; Public, Institutional, and Community; Commercial; Industrial; Accessory; and Temporary.

- Use Categories: Categories are subgroups within each classification that have common functional or physical characteristics. For example, the Recreation and Entertainment category falls under the Commercial Uses classification, and the Household Living category falls under the Residential Uses classification.
- Uses: Uses are the specific land uses that can be established within a category, such as a Banquet or Reception Hall within the Recreation and Entertainment category or a Stacked Townhouse within the Household Living category.

Article 5 – Development Standards

The new Article 5 includes the following topics:

- Lot, Bulk, and Open Space Regulations (including setbacks and permitted extensions)
- Affordable Dwelling Unit Program
- Earthborn Vibration Standards
- Water and Sewer Facility Requirements
- Grading, Erosion, Sediment Control, and Drainage
- Floodplain Regulations
- Common Open Space and Improvements
- Private Streets
- Landscaping and Screening
- Outdoor Lighting

Most of the previous Zoning Ordinance provisions, including the Affordable Dwelling Unit program, have been carried forward without substantive change.

Article 6 – Parking and Loading

This article includes the parking and loading standards from the previous Article 11. As part of Phase I of zMOD, parking rates have been updated where needed to correspond to the new uses. A separate review of parking rates will take place as a subsequent Phase II amendment.

Article 7 – Signs

This article carries forward the previous sign regulations that were amended in March 2019 with limited editorial changes.

Article 8 – Administration, Procedures, and Enforcement

Article 8 includes the following topics:

- Review Procedures
- Submission Requirements
- Fee Schedule
- Review and Decision-Making Bodies
- Nonconformities

- Condominiums, and Condominium and Cooperative Conversions
- Enforcement, Violations, and Penalties

The standards have been substantially reorganized from the previous Ordinance to bring together related provisions and reduce repetition where possible.

Article 9 – Definitions and Ordinance Interpretation

Article 9 includes Ordinance interpretations of words and terms used in the Ordinance, a list of abbreviations, and the definitions. All land uses are defined, as opposed to the previous Ordinance, where only some of the uses were defined. The use definitions have been simplified where appropriate and the detailed regulations, which at times were included in definitions, are instead contained in the use-specific standards. This approach, along with the classification and category structure, will assist with use determinations as the market develops new uses.

Appendix 1 –Provisions Relating to Previous Approvals

Appendix 1 includes the general and specific provisions relating to the status of previous approvals. Unlike the appendices to the previous Ordinance, Appendix 1 is not part of the Ordinance but is included for reference.

Questions?

If you have questions or comments about the new Ordinance, please email zMOD staff at DPDzMODComments@fairfaxcounty.gov or visit the project website at <https://www.fairfaxcounty.gov/planning-development/zmod>.

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