



**FAIRFAX  
COUNTY**

# **STAFF REPORT**

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V I R G I N I A

## **PROPOSED ZONING ORDINANCE AMENDMENT**

<b>Articles 8, 9, 16, 18 and 20 - Minor Modifications to Approved Zonings and Other Related Changes</b>
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### **PUBLIC HEARING DATES**

**Planning Commission**

October 26, 2017 at 8:15 p.m.

**Board of Supervisors**

November 21, 2017 at 3:30 p.m.

**PREPARED BY  
ZONING ADMINISTRATION DIVISION  
DEPARTMENT OF PLANNING AND ZONING  
703-324-1314**

September 26, 2017

KG/BB



Americans with Disabilities Act (ADA): Reasonable accommodation is available upon 48 hours advance notice. For additional information on ADA call 703-324-1334 or TTY 711 (Virginia Relay Center).

## STAFF COMMENT

The proposed amendment addresses the “Minor Modification Provisions” of the Zoning Ordinance and is designed to provide new flexibility to the current provisions that allow additional minor modifications to rezonings, special exceptions, and special permits to be approved by the Zoning Administrator or, in the case of certain variations to proffered conditions, by the Board of Supervisors without a public hearing. The effect would be to reduce the number of changes that require formal zoning amendment applications. Originally placed on the 2016 Priority I Zoning Ordinance Work Program, this amendment was added to the list of prioritized amendments under the Zoning Ordinance Modernization (zMOD) Initiative as Item #2 on the 2017 Priority I Zoning Ordinance Work Program. The priority of this amendment was established by the Board of Supervisors and responds to several Fairfax First development process improvement initiatives, as well input from discussions conducted with County staff, applicants and stakeholders. The proposed amendment was presented, in concept, to the Board’s Development Process Committee on several occasions, and on June 6, 2017, the Board directed staff to proceed with the amendment and undertake appropriate community outreach. Staff has conducted two public meetings on the amendment and met with a number of stakeholders, including the Citizen Working Group representing the nine magisterial districts; several of the District Land Use committees and NVBIA/NAIOP. Staff has also met with the Planning Commission’s Land Use Process Review Committee, the Private Land Use Attorneys Working Group, and the Land Use Council of the Tysons Partnership.

### **Background**

Typically, land use actions are approved with a set of conditions (proffers for rezonings and development conditions for final development plans, PRC plans, special exceptions, and special permits) that address site-specific and operational aspects of the proposal. These may include conformance with a specific layout or design; delineation of an environmental area to be preserved; specific uses allowed; or limits on aspects such as hours of operation. These proffers and conditions become part of the zoning of the property, and any development must be in “substantial conformance” with them. Substantial conformance is defined in the Zoning Ordinance as something that “is consistent with and does not materially alter the character of the approved development” and “with any proffered, or imposed conditions.” This definition is not proposed to be changed.

Modifications to an approval are often requested, either based on detailed design or engineering done after the zoning action or because conditions have changed over time. The current Zoning Ordinance allows what are termed “minor modifications” to be approved administratively by the Zoning Administrator. These minor modification provisions are found in Sections 18-204 for proffered rezonings, 8-004 for special permits, 9-004 for special exceptions, 16-203 for PRC plans, and 16-403 for final development plans. This authority granted to the Zoning Administrator has existed for over 30 years. The Zoning Ordinance also allows the Zoning Administrator to approve minor additions to existing buildings and accessory structures as a minor modification. For a minor modification to be approved, the request must be determined to be in substantial conformance with the zoning, as discussed above, and cannot:

- Change the amount of land area or permit a more intensive use;

- Result in an increased parking requirement (although parking may be required and provided for a minor building addition);
- Permit uses other than those approved;
- Reduce the effectiveness of approved screening, buffering, landscaping or open space;
- Permit changes to bulk, mass, orientation or location which adversely impact the relationship of the development to adjacent property; or
- Result in an increase in the amount of clearing and/or grading for a stormwater management facility.

As described in more detail below, the specific changes to the Zoning Ordinance proposed in this amendment include: (1) the provision of additional flexibility for the consideration by the Zoning Administrator of minor modifications to proffers, PRC and development plans, special exceptions, and special permits to address building height and rooftop coverage issues related to energy and environmental technologies; to address the incidental floor area created by the replacement of a building façade in the renovation and repositioning of existing structures; to address sign color and typeface; and, to allow additional floor area as minor building additions; (2) the creation of a new procedure for approval of specific minor variations to proffered conditions by the Board (related to the addition of uses, building height, minimum yard dimensions, community recreation uses, proffer obsolescence, and architecture), without a public hearing; and, (3) related changes to initiation of applications, submission requirements, fees and definitions.

### **Proposed Amendment**

The proposed amendment streamlines and reformats the text for the applicable sections of the Zoning Ordinance included in this amendment to be more user friendly, eliminate duplicative text and unnecessary verbiage, and use more understandable plain language. Section 18-204 “Proffered Condition Regulations” is completely rewritten and would be replaced by this amendment. Changes to the Minor Modifications provisions for the other types of zoning approvals are shown as strikeouts of current text to be deleted and underlining of new text to be added.

### **Minor Modifications Approved by the Zoning Administrator (Sections 8-004, 9-004, 16-203, 16-403, 18-204)**

While addressing the need for additional flexibility to respond to changing circumstances, the proposed amendment would retain the protections expected by the community contained in the existing parameters for determining substantial conformance, as outlined above, and would maintain that proffers and development conditions are part of the zoning regulations of the property, unless they are changed by a subsequent zoning action.

The amendment would provide flexibility to the existing provisions by allowing Minor Modifications to be approved by the Zoning Administrator in the five additional areas described below.

1. Exempt solar collectors and other innovative energy and environmental technology structures less than 10 feet in height from building height and rooftop coverage limitations.

This change addresses instances where, for example, solar collectors on the roof of a multi-story office building were proposed to be added for LEED Certification but exceeded the allowable rooftop coverage and building height limits, and therefore required the approval of an amendment. This exemption is consistent with County policy to promote energy conservation and green building practices.

2. Exclude from the definition of gross floor area and the calculation of FAR any incidental increase in interior space created by the replacement of a façade material on an existing building.

This addresses an issue that arose in the repositioning of an existing office building, where the replacement of the precast façade with a glass façade increased interior space which resulted in a floor area exceeding the maximum allowed. This change facilitates County policy to advance the repositioning and repurposing of existing buildings.

3. Permit a change in the color of signs and typeface, unless specifically contrary to the approved proffers/conditions, provided that it does not change the character of the approved sign.

This change addresses instances where an amendment was required to change the color of signs for a bank when the corporate colors changed.

4. Increase the allowable size for minor building additions and simplify the provisions.

Under the current Zoning Ordinance, minor building additions are permitted by different formulas for two different categories of uses (Places of Worship and All Other Uses) and for two types of development (those approved for 50,000 square feet or less of floor area, or those approved for more than 50,000 square feet of floor area), as indicated in the table below.

Current Provisions		Proposed Provisions	
Places of Worship and Places of Worship with child care centers/schools (“Places of Worship”)	The greater of 500 square feet or 5% of the total approved floor area up to a maximum of 2500 square feet	All Uses up to 250,000 square feet GFA	The greater of 500 square feet or 5% of the approved floor area up to a maximum of 2500 square feet
All Other Uses (50,000 square feet GFA or less)	5% of the approved floor area up to a maximum of 500 square feet		
All Other Uses (more than 50,000 square feet GFA)	1% of the approved floor area		
		All Uses more than 250,000 sq. ft. GFA	1% of the approved floor area

The proposed amendment would simplify the provisions by treating all uses the same. The change would apply the same formula used for Places of Worship to all uses in developments that do not exceed 250,000 square feet. This change will increase the allowable size of a minor building addition which could be permitted in uses other than Places of Worship, as indicated in the table below, provided that the additions are otherwise in substantial conformance with the approved zoning and would not intensify the use. For proffered developments exceeding 250,000 square feet, a minor building addition greater than 2500 square feet could be requested under the current Zoning Ordinance; therefore, the current 1% formula is not changed. It is important to note that a minor building addition cannot exceed the maximum density or FAR allowed in the zoning district or by proffered conditions.

**Proposed Minor Building Addition Size Allowed (sq. ft.) for All Uses**

Development Size	Current Z.O.	Proposed	Change
1500	75	500	+425
5000	250	500	+250
10000	500	500	0
20000	500	1000	+500
30000	500	1500	+1000
40000	500	2000	+1500
50000	500	2500	+2000
60000	600	2500	+1900
100000	1000	2500	+1500
150000	1500	2500	+1000
200000	2000	2500	+500
250000	2500	2500	0
300000	3000	3000	0

The proposed amendment will benefit those uses previously defined as “all uses other than places of worship,” particularly those smaller uses that are less than 10,000 square feet in size and uses between 10,000 and 50,000 square feet in size. The proposed amendment will also benefit places of worship that are greater than 250,000 square feet in size.

This amendment would also clarify that cellar space could be allowed as a minor building addition under the limitations listed above.

Under the current Zoning Ordinance, anyone requesting a minor modification for a building addition must send notice of the request to the owners of the adjacent properties. No change is proposed to these requirements.

5. Permit modifications that reduce setback dimensions up to 10% from that shown on an approved development plan.

While this provision is new, the amendment would codify what has been longstanding practice in interpreting minor changes in setback dimension. The amendment would clarify and distinguish this provision from the authority proposed below by which the Board could approve minor variations to proffered minimum required yards. The provision of additional landscaping and screening is often companion to such requests where appropriate.

#### Minor Variations to Proffered Conditions Approved by the Board (Section 18-204)

The proposed amendment creates a new avenue for the Board to approve certain requests for minor variations to proffered conditions. The Board requested staff to identify a process whereby the Board could approve minor changes to proffers without requiring a full amendment application and a public hearing. This process would apply only to proffered conditions, not to special exceptions or special permits. The proposed process would allow the Board to approve a minor variation to a proffered condition as an Action Item, based upon the facts and context of the approved zoning, without a public hearing, in the six specific circumstances as set forth below. Public notice to the adjacent property owners would be required.

1. The addition or modification of a use which is not specifically precluded by proffers, if the new use does not have a greater land use impact than the approved use(s) in terms of parking, trip generation, vehicular circulation, or hours of operation.

This change is based upon a request by the Board to add the flexibility to allow new uses in places such as shopping centers. For example, a shopping center may now be permitted to add to a vacant storefront a currently popular commercial recreation use that may not have even existed at the time of the zoning approval. Similarly, in P-Districts this provision would allow the addition of a use that may not have been listed on a proffered FDP, perhaps because the use did not exist at the time the zoning was approved. In either case, the use may be permitted, provided it does not have a greater land use impact than the approved uses.

2. An increase in building height based upon final engineering or design issues, provided the resultant height does not exceed the lesser of 15 feet or 15% of the approved height,

cause the building to exceed the maximum height of the zoning district, or have a materially adverse impact on adjacent properties.

This change is designed to address circumstances that arise during final engineering such as the discovery of subsurface rock that would be costly to remove and therefore would necessitate a change in elevation and an increase in building height.

3. A modification to proffered minimum yard dimensions, building setbacks, or distances from peripheral lot lines shown on an approved development plan, but only if the modified dimensions would not have a materially adverse impact on adjacent properties or other proffered conditions.

This change is designed to address a request to modify minimum yard dimensions and setbacks beyond those which can be approved as minor modifications. The need has arisen where property owners have located or propose to locate structures within proffered minimum yards or setbacks. This often occurs in P-Districts with small lots. Currently, the only way to resolve these issues is either to remove the structures or seek approval through the submission PCA and/or FDPAs applications. This added provision would allow the Board to approve a modified yard without an amendment application and public hearing.

4. Modification or deletion of local community active or passive recreation uses shown on an approved development plan—at the request of the property owner or owners' association, provided that the change would not reduce the recreational uses or open space below the minimum required for the zoning district or otherwise required by the Zoning Ordinance.

This change is proposed to address requests from HOAs or management companies to change a proffered active recreation facility to a completely passive recreation facility to reflect community preferences.

5. Modification of proffer commitments to technologies (such as computer business centers) or services (such as transportation shuttles) that are underutilized or that have become ineffective or obsolete as circumstances have changed.

This would address, for example, a proffered shuttle that becomes superfluous and underused as a result of a new public bus system or a proffer to distribute now-obsolete Metro smart cards at a hotel.

6. Modification of architectural design, character, color, features, or materials for buildings and signs described in proffered conditions or shown on an approved development plan, provided that the modifications are of equivalent quality and do not have a materially adverse impact on adjacent properties.

This would address issues that occur when, for example, ownership changes and the new owner proposes new design elements.

As noted, anyone requesting a minor variation to a proffered condition by the Board of Supervisors must send notice to the surrounding property owners in accordance with Virginia Code Section 15.2-2204(B). This is the same notification that would be required for a proffered condition amendment public hearing.

It is important to note that approval of a request for a minor modification or minor variation is not a matter of right. County staff will evaluate each request on its merits based on the proffered conditions, the approved zoning and the provisions of the Zoning Ordinance, and will coordinate the review of each request with the respective Board member and Planning Commissioner.

In addition, the Board at its discretion may elect not to waive a public hearing for a minor variation, in which case the request may be processed as a proffered condition amendment application that requires a public hearing before the Board.

A request for a change to a proffered condition that cannot be accomplished as a minor modification or minor variation would still require a proffered condition amendment after a public hearing before the Board.

Paragraph 6 of Section 18-204 is proposed to be revised with regard to the filing of a partial proffered condition amendment application. Currently, the Zoning Ordinance requires that, before accepting an application for a partial proffer amendment, the Zoning Administrator make a determination about the impact of the amendment on the remainder of the property subject to the proffered conditions. The revised text eliminates this prerequisite. Similar revised text is proposed for Par. 9 of Section 16-202, Rezoning to a PRC District, and Par. 11 of Section 16-401, Conceptual Development Plan Approval—both of which relate to partial development plan amendments.

While not part of this amendment, the Department of Planning and Zoning, as a Fairfax First Initiative, has established an expedited process for Single Issue Amendment applications. In this process, the review of focused single issue amendments is managed within an approximate 90 day timeframe from acceptance to public hearing before the Planning Commission. As these applications typically do not entail new construction, the fee for single-issue amendment applications would be one-half of the prevailing fees.

#### Other Proposed Changes

- Section 18-201, 202, and 203 – Initiation of Amendments, Submission Requirements and Generalized Development Regulations

The proposed revisions are primarily a reorganization of the existing text and are not substantive changes, except for reduction (to one) in the required number of copies of an application. The submission requirements for a Generalized Development Plan have been revised to remove redundant language and now fall under the Section 203.

- Article 20 – Ordinance Structure, Interpretations and Definitions

The proposed amendments to Article 20 add a new Paragraph to Part 2 to clarify that the term “rezoning” means an amendment to the zoning map and to amend the definition of Gross Floor Area to exclude floor space incidental to the replacement of an existing building façade.

- Section 18-106 – Application and Zoning Compliance Letter Fees

The proposed amendment adds a new fee for Minor Variations. The proposed fee is \$520, which is the current fee for an interpretation. The advertisement of this amendment will reflect this as the minimum fee. The Board has the option to adopt a higher fee.



**Conclusion**

The proposed amendment specifically addresses the need to add flexibility to the minor modification and proffer amendment provisions of the Zoning Ordinance. By providing for the administrative approval of these minor modifications and a new process for certain Board-approved minor variations, this amendment will reduce the need for zoning amendment applications requiring a public hearing and improve the timing of the land development process. Staff recommends approval of the proposed amendment with an effective date of 12:01 a.m. on the day following adoption.

## PROPOSED AMENDMENT

*This proposed Zoning Ordinance amendment is based on the Zoning Ordinance in effect as of September 26, 2017, and there may be other proposed amendments which may affect some of the numbering, order or text arrangement of the paragraphs or sections set forth in this amendment, which other amendments may be adopted prior to action on this amendment. In such event, any necessary renumbering or editorial revisions caused by the adoption of any Zoning Ordinance amendments by the Board of Supervisors prior to the date of adoption of this amendment will be administratively incorporated by the Clerk in the printed version of this amendment following Board adoption.*

1 Amend Article 8, Special Permits, Part 0, General Provisions, by revising Sect. 8-004, to read  
2 as follows:

3  
4 **8-004 Status of Special Permit Uses**

- 5  
6 1. ~~Once a A special permit is approved, such~~ use may only be established in  
7 accordance with ~~such~~ the special permit approval, ~~and a~~ Any site plan,  
8 subdivision plat, Building Permit, Residential or Non-Residential Use Permit  
9 hereafter submitted for the development or use of the property in accordance  
10 with the special permit ~~shall~~ must be in substantial conformance with the  
11 approved special permit, and no development or use ~~shall~~ may be approved by  
12 any County official in the absence of such conformance.  
13  
14 2. Once established, the use ~~shall~~ must be conducted in substantial conformance  
15 with the special permit, any conditions or restrictions imposed by the BZA and  
16 all other requirements of this Ordinance. Except as may be permitted under  
17 Paragraphs 3 and 4 below, no use ~~shall~~ may be enlarged, expanded, increased  
18 in intensity or relocated and no condition of the special permit ~~shall~~ may be  
19 ~~modified~~ amended unless an application is made and approved for an  
20 amendment to the special permit in accordance with Sect. 014 below or a new  
21 special permit is approved.  
22  
23 3. ~~Notwithstanding the above, a~~ Any modification to an approved and currently  
24 valid special permit to provide an accessibility improvement ~~shall~~ may be  
25 permitted and ~~shall~~ does not require approval of an amendment to the special  
26 permit or a new special permit.  
27  
28 4. ~~Minor modifications to an approved special permit may be permitted when it~~  
29 ~~is determined by the Zoning Administrator that such are in substantial~~  
30 ~~conformance with the approved special permit and that such:~~ are in response to  
31 issues of topography, drainage, underground utilities, structural safety, layout,  
32 design, vehicular circulation, or requirements of the Virginia Department of

1 ~~Transportation or Fairfax County; or are accessory uses; or are accessory~~  
2 ~~structures or minor building additions as permitted by Par 4A(7) or 4B(7)~~  
3 ~~below.~~

4  
5 A. ~~For approved special permits for all uses, other than churches, chapels,~~  
6 ~~temples, synagogues and other such places of worship (hereinafter places~~  
7 ~~of worship) and places of worship with a child care center, nursery school~~  
8 ~~or private school of general or special education, the modifications shall,~~  
9 ~~in no event:~~

10  
11 ~~(1) Permit a more intensive use which shall include but not be limited~~  
12 ~~to an expansion of the hours of operation or an increase in number~~  
13 ~~of seats, students or employees from that approved pursuant to the~~  
14 ~~special permit; or~~

15  
16 ~~(2) Result in an increased parking requirement, except for any~~  
17 ~~additional parking which may be required for any building~~  
18 ~~additions or modifications permitted under Par. 4A (7) below; or~~

19  
20 ~~(3) Permit uses other than those approved pursuant to the special~~  
21 ~~permit, except that accessory uses in accordance with this~~  
22 ~~paragraph may be permitted; or~~

23  
24 ~~(4) Reduce the effectiveness of approved transitional screening,~~  
25 ~~buffering, landscaping or open space; or~~

26  
27 ~~(5) Permit changes to bulk, mass, orientation or location which~~  
28 ~~adversely impact the relationship of the development or part thereof~~  
29 ~~to adjacent property; or~~

30  
31 ~~(6) Result in an increase in the amount of clearing and/or grading for a~~  
32 ~~stormwater management facility, including any clearing and/or~~  
33 ~~grading associated with spillways, inlets, outfall pipes or~~  
34 ~~maintenance roads, that reduces non-stormwater management open~~  
35 ~~space, tree save and/or landscaping area on the lot; or~~

36  
37 ~~(7) Include the addition of any building or additions to buildings except~~  
38 ~~that accessory structures clearly subordinate to the use, and minor~~  
39 ~~additions to buildings may be permitted, provided that the sum total~~  
40 ~~of all such structures or additions shall not exceed the following:~~

41  
42 ~~(a) five (5) percent of the approved gross floor area or 500 square~~  
43 ~~feet of gross floor area, whichever is less, when the total gross~~  
44 ~~floor area shown on the approved special permit plat is less~~  
45 ~~than 50,000 square feet; or~~  
46

- 1                   (b) ~~one (1) percent of the approved gross floor area when the total~~  
 2                   ~~gross floor area shown on the approved special permit plat is~~  
 3                   ~~50,000 square feet or more; or~~  
 4  
 5                   (c) ~~250 square feet of gross floor area of accessory storage~~  
 6                   ~~structure uses when the total gross floor area shown on the~~  
 7                   ~~approved special permit plat is 10,000 square feet or less; and~~  
 8  
 9                   (d) ~~the maximum permitted FAR for the zoning district in which~~  
 10                   ~~located.~~

11  
 12           B. ~~For approved special permits for places of worship and places of worship~~  
 13           ~~with a child care center, nursery school or private school of general or~~  
 14           ~~special education, the modifications shall, in no event:~~

- 15  
 16                   (1) ~~Permit an expansion of the hours of operation from that approved~~  
 17                   ~~pursuant to the special permit; or~~  
 18  
 19                   (2) ~~Permit an increase in the number of seats, parking spaces or~~  
 20                   ~~students, if applicable, which exceeds more than ten (10) percent~~  
 21                   ~~of the amount approved pursuant to the special permit; or~~  
 22  
 23                   (3) ~~Permit uses other than those approved pursuant to the special~~  
 24                   ~~permit, except that accessory uses in accordance with this~~  
 25                   ~~paragraph may be permitted; or~~  
 26  
 27                   (4) ~~Reduce the effectiveness of approved transitional screening,~~  
 28                   ~~buffering, and landscaping or open space; or~~  
 29  
 30                   (5) ~~Permit changes to bulk, mass, orientation or location which~~  
 31                   ~~adversely impact the relationship of the development or part thereof~~  
 32                   ~~to adjacent property; or~~  
 33  
 34                   (6) ~~Result in an increase in the amount of clearing and/or grading for a~~  
 35                   ~~stormwater management facility, including any clearing and/or~~  
 36                   ~~grading associated with spillways, inlets, outfall pipes or~~  
 37                   ~~maintenance roads, that reduces non-stormwater management open~~  
 38                   ~~space, tree save and/or landscaping area on the lot; or~~  
 39  
 40                   (7) ~~Include the addition of any building or additions to buildings except~~  
 41                   ~~that accessory structures clearly subordinate to the use, and minor~~  
 42                   ~~additions to buildings may be permitted, provided that:~~  
 43  
 44                           (a) ~~the sum total of all such structures or additions shall not~~  
 45                           ~~exceed the greater of 500 square feet of gross floor area, or~~

1                                    five (5) percent of the approved gross floor area up to a  
2                                    maximum of 2500 square feet of gross floor area; and

3  
4                                    (b) ~~the maximum permitted FAR for the zoning district shall not~~  
5                                    ~~be exceeded.~~

6  
7                                    C. ~~For all approved special permit uses, any request for an addition shall~~  
8                                    ~~require the provision of written notice by the requester in accordance~~  
9                                    ~~with the following:~~

10  
11                                    (1) ~~the notice shall include the letter of request with all attachments as~~  
12                                    ~~submitted to the Zoning Administrator, a statement that the request~~  
13                                    ~~has been submitted, and where to call for additional information;~~  
14                                    ~~and~~

15  
16                                    (2) ~~the notice shall be sent to the last known address of the owners, as~~  
17                                    ~~shown in the real estate assessment files of the Department of Tax~~  
18                                    ~~Administration, of all property abutting and across the street from~~  
19                                    ~~the site, or portion thereof, which is the subject of the request, and~~  
20                                    ~~shall be delivered by hand or sent by certified mail, return receipt~~  
21                                    ~~requested.~~

22  
23                                    ~~The request for an addition submitted to the Zoning Administrator shall~~  
24                                    ~~include: an affidavit from the requester affirming that the required notice~~  
25                                    ~~has been provided in accordance with the above; the date that the notice~~  
26                                    ~~was delivered or sent; the names and addresses of all persons notified;~~  
27                                    ~~and the Tax Map references for all parcels notified. No request for an~~  
28                                    ~~addition shall be considered by the Zoning Administrator unless the~~  
29                                    ~~affidavit has been provided in accordance with this paragraph.~~

30  
31                                    Minor modifications to special permits are allowed when the Zoning  
32                                    Administrator determines that they substantially conform to the approved  
33                                    special permit and do not materially alter the character of the development. In  
34                                    making this determination, the Zoning Administrator may consider factors such  
35                                    as topography, engineering and design.

36  
37                                    Minor modifications may not:

38  
39                                    A. Remove any land from or add any land to the area subject to the special  
40                                    permit;

41  
42                                    B. Create, intensify, or expand any nonconformity with maximum or minimum  
43                                    requirements of the zoning district;

44

- 1           C. Result in an increased parking requirement, except for any additional  
2 parking required for building additions or modifications permitted under  
3 Paragraphs 4 D and 4 K below;  
4
- 5           D. Permit a more intensive use than that approved in the exception, except that  
6 places of worship or places of worship with a child care center, nursery  
7 school, private school of general or special education, may increase the  
8 number of seats, parking spaces, and/or students up to ten (10) percent of  
9 the approved amount, if not expressly prohibited by the special permit;  
10
- 11          E. Permit uses other than those approved pursuant to the special permit, except  
12 that accessory uses may be permitted;  
13
- 14          F. Reduce the effectiveness of approved transitional screening, buffering,  
15 landscaping, and/or open space;  
16
- 17          G. Permit changes to bulk, mass, orientation, or location that adversely impact  
18 the relationship of the development to adjacent property, except that:  
19
- 20               (1) Modifications that reduce yards up to 10% may be considered,  
21 provided that they do not adversely impact adjacent property; and  
22
- 23               (2) Increases in height up to 10 feet and increases in percentages of rooftop  
24 coverage may be permitted to exempt solar collectors and other  
25 innovative energy and environmental technologies.  
26
- 27          H. Increase the amount of clearing or grading for a stormwater management  
28 facility, including any clearing or grading associated with spillways, inlets,  
29 outfall pipes, or maintenance roads that reduces non-stormwater  
30 management open space, tree save area, or landscaping area on the lot;  
31
- 32          I. Expand hours of operation;  
33
- 34          J. Expand the area or type of signage approved, although changes to color and  
35 typeface may be considered provided they do not change the character of  
36 the approved sign;  
37
- 38          K. Include the addition of or to any building, except that accessory structures  
39 clearly subordinate to the principal use and minor building additions,  
40 including those for cellar space, may be permitted, provided that the total of  
41 all such structures or additions cannot exceed the following:  
42

- 1                   (1) 500 square feet or five (5) percent of the approved gross floor area up  
 2                   to 2500 square feet, whichever is greater, when the total gross floor area  
 3                   approved does not exceed 250,000 square feet.  
 4  
 5                   (2) One (1) percent of the approved gross floor area when the total gross  
 6                   floor area approved exceeds 250,000 square feet.  
 7  
 8                   (3) 250 square feet of gross floor area of accessory storage structure uses  
 9                   when the total gross floor area approved is 10,000 square feet or less.  
 10  
 11                   (4) The maximum allowable density or FAR in the zoning district;  
 12                   however, any increase in gross floor area resulting from replacing the  
 13                   materials of an existing building façade is not included in the  
 14                   calculation of FAR.

15  
 16                   Anyone requesting a minor modification for a building addition must send  
 17                   notice of the request to the owners of all property abutting and across the  
 18                   street from the site, or portion thereof, to the last known address, as shown  
 19                   in the real estate assessment files of the Department of Tax Administration.

20  
 21                   The notice must be delivered by hand or sent by certified mail, return receipt  
 22                   requested and include the letter of request submitted to the Zoning  
 23                   Administrator with all attachments, a statement that the request has been  
 24                   submitted, and where to call for additional information.

25  
 26                   An affidavit from the requester must be sent to the Zoning Administrator  
 27                   affirming: that the required notice has been provided in accordance with the  
 28                   above; the date that the notice was delivered or sent; the names and  
 29                   addresses of all persons notified; and, the Tax Map references for all parcels  
 30                   notified. The Zoning Administrator will not consider any request for an  
 31                   addition that omits this affidavit.

32  
 33                   When it is determined by the Zoning Administrator that a modification is not  
 34                   in substantial conformance with the approved special permit, the modification  
 35                   requires the approval of an amendment to the special permit in accordance with  
 36                   Sect. 8-014 below or a new special permit.

37  
 38                   **Amend Article 9, Special Exceptions, Part 0, General Provisions, by revising Sect. 9-004 to**  
 39                   **read, as follows:**

40  
 41                   **9-004            Status of Special Exception Uses**

- 42  
 43                   1. ~~Once a~~ A ~~special exception has been approved, such~~ use may only be  
 44                   established in accordance with the special exception ~~such~~ approval. ~~and a~~ Any  
 45                   site plan, subdivision plat, Building Permit, Residential or Non-Residential Use  
 46                   Permit ~~hereafter~~ submitted for the development or use of the property in

1 accordance with the special exception ~~shall~~ must be in substantial conformance  
 2 with the approved special exception, and no development or use ~~shall~~ may be  
 3 approved by any County official in the absence of such conformance.  
 4

- 5 2. Once established, the use must be conducted in substantial conformance with  
 6 the special exception, any conditions or restrictions imposed by the Board, and  
 7 all other requirements of this Ordinance. Except as may be permitted under  
 8 Paragraphs 3 and 4 below, no use ~~shall~~ may be enlarged, expanded, increased  
 9 in intensity or relocated and no condition of the special exception ~~shall~~ may be  
 10 ~~modified~~ amended unless an application is made and approved for an  
 11 amendment to the special exception in accordance with Sect. 014 below or a  
 12 new special exception is approved.  
 13
- 14 3. ~~Notwithstanding the above, a~~ Any modification to an approved and currently  
 15 valid special exception to provide an accessibility improvement ~~shall~~ may be  
 16 permitted and ~~shall~~ does not require approval of an amendment to the special  
 17 exception or a new special exception.  
 18
- 19 4. ~~Minor modifications to an approved special exception may be permitted when~~  
 20 ~~it is determined by the Zoning Administrator that such are in substantial~~  
 21 ~~conformance with the approved special exception and that such:~~ are in response  
 22 to issues of topography, drainage, underground utilities, structural safety,  
 23 layout, design, vehicular circulation, or requirements of the Virginia  
 24 Department of Transportation or Fairfax County; or are accessory uses; or are  
 25 accessory structures or minor building additions as permitted by Par. 4A(7) or  
 26 4B(7) below:  
 27
- 28 A. ~~For approved special exceptions for all uses, other than churches, chapels,~~  
 29 ~~temples, synagogues and other such places of worship (hereinafter places~~  
 30 ~~of worship) and places of worship with a child care center, nursery school~~  
 31 ~~or private school of general or special education the modifications shall,~~  
 32 ~~in no event:~~
- 33
- 34 (1) ~~Change the amount of land area or permit a more intensive use~~  
 35 ~~which shall include but not be limited to an expansion of the hours~~  
 36 ~~of operation or an increase in number of seats, dwellings, students~~  
 37 ~~or employees from that approved pursuant to the special exception;~~  
 38 ~~or~~
- 39
- 40 (2) ~~Result in an increased parking requirement, except for any~~  
 41 ~~additional parking which may be required for any building~~  
 42 ~~additions or modifications permitted under Par. 4A (7) below; or~~
- 43
- 44 (3) ~~Permit uses other than those approved pursuant to the special~~  
 45 ~~exception, except that accessory uses in accordance with this~~  
 46 ~~paragraph may be permitted; or~~



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- (4) ~~Reduce the effectiveness of approved transitional screening, buffering, landscaping or open space; or~~
  - (5) ~~Permit changes to bulk, mass, orientation or location which adversely impact the relationship of the development or part thereof to adjacent property; or~~
  - (6) ~~Result in an increase in the amount of clearing and/or grading for a stormwater management facility, including any clearing and/or grading associated with spillways, inlets, outfall pipes or maintenance roads, that reduces non-stormwater management open space, tree save and/or landscaping area on the lot; or~~
  - (7) ~~Include the addition of any building or additions to buildings except that accessory structures clearly subordinate to the use, and minor additions to buildings may be permitted, provided that the sum total of all such structures or additions shall not exceed the following:~~
    - (a) ~~five (5) percent of the approved gross floor area or 500 square feet of gross floor area, whichever is less, when the total gross floor area shown on the approved special exception plat is less than 50,000 square feet; or~~
    - (b) ~~one (1) percent of the approved gross floor area when the total gross floor area shown on the approved special exception plat is 50,000 square feet or more; or~~
    - (c) ~~250 square feet of gross floor area of accessory storage structure uses when the total gross floor area shown on the approved special exception plat is 10,000 square feet or less; and~~
    - (d) ~~the maximum permitted FAR for the zoning district in which located; or~~
    - (e) ~~the maximum density permitted by the approved special exception.~~
- B. ~~For approved special exceptions for places of worship and places of worship with a child care center, nursery school or private school of general or special education, the modifications shall, in no event:~~
- (1) ~~Permit an expansion of the hours of operation from that approved pursuant to the special exception; or~~

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- (2) ~~Permit an increase in the number of seats, parking spaces or students, if applicable, which exceeds more than ten (10) percent of the amount approved pursuant to the special exception; or~~
  - (3) ~~Permit uses other than those approved pursuant to the special exception, except that accessory uses in accordance with this paragraph may be permitted; or~~
  - (4) ~~Reduce the effectiveness of approved transitional screening, buffering, and landscaping or open space; or~~
  - (5) ~~Permit changes to bulk, mass, orientation or location which adversely impact the relationship of the development or part thereof to adjacent property; or~~
  - (6) ~~Result in an increase in the amount of clearing and/or grading for a stormwater management facility, including any clearing and/or grading associated with spillways, inlets, outfall pipes or maintenance roads, that reduces non stormwater management open space, tree save and/or landscaping area on the lot; or~~
  - (7) ~~Include the addition of any building or additions to buildings except that accessory structures clearly subordinate to the use, and minor additions to buildings may be permitted, provided that:
 
    - (a) ~~the sum total of all such structures or additions shall not exceed the greater of 500 square feet of gross floor area, or five (5) percent of the approved gross floor area up to a maximum of 2500 square feet of gross floor area; and~~
    - (b) ~~the maximum permitted FAR for the zoning district shall not be exceeded.~~~~
- C. ~~For all approved special exception uses, any request for an addition shall require the provision of written notice by the requester in accordance with the following:~~
- (1) ~~the notice shall include the letter of request with all attachments as submitted to the Zoning Administrator, a statement that the request has been submitted, and where to call for additional information; and~~
  - (2) ~~the notice shall be sent to the last known address of the owners, as shown in the real estate assessment files of the Department of Tax Administration, of all property abutting and across the street from the site, or portion thereof, which is the subject of the request, and~~

1 shall be delivered by hand or sent by certified mail, return receipt  
2 requested.  
3

4 ~~The request for an addition submitted to the Zoning Administrator shall~~  
5 ~~include: an affidavit from the requester affirming that the required notice~~  
6 ~~has been provided in accordance with the above; the date that the notice~~  
7 ~~was delivered or sent; the names and addresses of all persons notified;~~  
8 ~~and the Tax Map references for all parcels notified. No request for an~~  
9 ~~addition shall be considered by the Zoning Administrator unless the~~  
10 ~~affidavit has been provided in accordance with this paragraph.~~  
11

12 Minor modifications to special exceptions are allowed when the Zoning  
13 Administrator determines that they substantially conform to the approved  
14 special exception and do not materially alter the character of the development.  
15 In making this determination, the Zoning Administrator may consider factors  
16 such as topography, engineering and design.  
17

18 Minor modifications may not:  
19

- 20 A. Remove any land from or add any land to the area subject to the special  
21 exception;  
22
- 23 B. Create, intensify, or expand any nonconformity with maximum or minimum  
24 requirements of the zoning district;  
25
- 26 C. Result in an increased parking requirement, except for any additional  
27 parking required for building additions or modifications permitted under  
28 Paragraphs 4 D and 4 K below;  
29
- 30 D. Permit a more intensive use than that approved in the exception, except that  
31 places of worship or places of worship with a child care center, nursery  
32 school, private school of general or special education, may increase the  
33 number of seats, parking spaces, and/or students up to ten (10) percent of  
34 the approved amount, if not expressly prohibited by the special exception  
35 conditions;  
36
- 37 E. Permit uses other than those approved pursuant to the special exception,  
38 except that accessory uses may be permitted;  
39
- 40 F. Reduce the effectiveness of approved transitional screening, buffering,  
41 landscaping, and/or open space;  
42
- 43 G. Permit changes to bulk, mass, orientation, or location that adversely impact  
44 the relationship of the development to adjacent property, except that:  
45

1                   (1) Modifications that reduce yards up to 10% may be considered,  
2                   provided that they do not adversely impact adjacent property; and

3  
4                   (2) Increases in height up to 10 feet and increases in percentages of rooftop  
5                   coverage may be permitted to exempt solar collectors and other energy  
6                   and environmental innovative technologies.

7  
8                   H. Increase the amount of clearing or grading for a stormwater management  
9                   facility, including any clearing or grading associated with spillways, inlets,  
10                   outfall pipes, or maintenance roads that reduces non-stormwater  
11                   management open space, tree save area, or landscaping area on the lot;

12  
13                   I. Expand hours of operation;

14  
15                   J. Expand the area or type of signage approved, although changes to color and  
16                   typeface may be considered provided they do not change the character of  
17                   the approved sign;

18  
19                   K. Include the addition of or to any building, except that accessory structures  
20                   clearly subordinate to the principal use and minor building additions,  
21                   including those for cellar space, may be permitted, provided that the total of  
22                   all such structures or additions cannot exceed the following:

23  
24                   (1) 500 square feet or five (5) percent of the approved gross floor area up  
25                   to 2500 square feet, whichever is greater, when the total gross floor  
26                   area approved does not exceed 250,000 square feet.

27  
28                   (2) One (1) percent of the approved gross floor area when the total gross  
29                   floor area approved exceeds 250,000 square feet.

30  
31                   (3) 250 square feet of gross floor area of accessory storage structure uses  
32                   when the total gross floor area approved is 10,000 square feet or less.

33  
34                   (4) The maximum allowable density or FAR in the zoning district,  
35                   however, any increase in gross floor area resulting from replacing the  
36                   materials of an existing building façade is not included in the  
37                   calculation of FAR.

38  
39                   Anyone requesting a minor modification for a building addition must send  
40                   notice of the request to the owners of all property abutting and across the  
41                   street from the site, or portion thereof, to the last known address, as shown  
42                   in the real estate assessment files of the Department of Tax Administration.

43  
44                   The notice must be delivered by hand or sent by certified mail, return receipt  
45                   requested and include the letter of request submitted to the Zoning  
46                   Administrator with all attachments, a statement that the request has been

1                    submitted, and where to call for additional information.

2  
3                    An affidavit from the requester must be sent to the Zoning Administrator  
4                    affirming: that the required notice has been provided in accordance with the  
5                    above; the date that the notice was delivered or sent; the names and  
6                    addresses of all persons notified; and, the Tax Map references for all parcels  
7                    notified. The Zoning Administrator will not consider any request for an  
8                    addition that omits this affidavit.

9  
10                   When it is determined by the Zoning Administrator that a modification is not  
11                   in substantial conformance with the approved special exception, the  
12                   modification requires the approval of an amendment to the special exception in  
13                   accordance with Sect. 9-014 below or a new special exception.

14  
15                   **Amend Article 16, Development Plans, as follows:**

16  
17                   - **Amend Part 2, Procedures for Review and Approval of a PRC District as follows:**

18  
19                   - **Amend Sect. 16-202, Rezoning to a PRC District, by revising Par. 9 as follows:**

- 20  
21                   9.        Once a development plan has been approved, all subsequent approvals, uses  
22                   and structures ~~shall~~ must be in substantial conformance with the approved  
23                   development plan and any development conditions associated with such  
24                   approval. Should there be cause for amendment of the development plan or any  
25                   portion thereof, such amendment ~~shall~~ will be processed as a new submission.  
26                   A development plan amendment ~~application~~ may cover all or be filed on a  
27                   portion of the property subject to an approved development plan, upon a  
28                   determination by the Zoning Administrator that the amendment (a) would not  
29                   adversely affect the use of the property subject to the development plan and  
30                   conditions but not incorporated into the amendment application, (b) would not  
31                   inhibit, adversely affect, or preclude in any manner the fulfillment of the  
32                   development plan and conditions applicable to the area not incorporated into  
33                   the amendment application, and (c) would not increase the overall approved  
34                   density/intensity for the development. In its review of a request that does not  
35                   cover all of the property subject to an approved development plan, the Board  
36                   should consider whether the request would have an adverse impact on the  
37                   remainder of the property in terms of (a) the approved use, (b) fulfillment of  
38                   conditions, (c) vehicular and pedestrian circulation, connectivity, landscaping  
39                   and streetscape, and (d) the approved density or intensity. The portion of the  
40                   development plan and previously approved conditions which are not subject to  
41                   the amendment request will remain in full force and effect.

42  
43                   - **Amend Sect. 16-203, PRC Plan Approval, to read as follows:**

- 44  
45                   1.        Subsequent to the approval of a rezoning application, a PRC plan ~~shall be~~ is  
46                   required for those uses as set forth in Par. 2 below. The Board may approve a

1 PRC plan subject to the provisions of this Part and Sect. 18-110. ~~Such~~ A PRC  
 2 plan ~~shall~~ may not be approved by the Board until the rezoning application and  
 3 development plan have been approved by the Board. However, a PRC plan  
 4 may be filed with and included in the processing of the rezoning application  
 5 and development plan.

6 All PRC plans ~~shall~~ must be in accordance with the approved rezoning  
 7 and development plan, any conditions or modifications that may have been  
 8 approved by the Board, the design standards of Sect. 102 above, the applicable  
 9 objectives and regulations of the PRC District and the provisions of Sect. 303  
 10 below.

- 11
- 12 2. A PRC plan ~~shall be~~ is required for all uses, except the following:
- 13
- 14 A. Single family detached dwellings, provided the general street and lot  
 15 layout are shown on the approved development plan.
- 16
- 17 B. Additions to existing single family attached or detached dwellings or  
 18 accessory structures related to such existing single family dwellings.
- 19
- 20 C. Additions to existing buildings or uses other than single family dwellings,  
 21 when such additions do not exceed 2000 square feet or ten (10) percent  
 22 of the gross floor area of the existing building or use, whichever is less.
- 23
- 24 D. Additions or changes to non-structural site elements such as transitional  
 25 screening and parking and loading provided the area of such addition or  
 26 change does not exceed ten (10) percent of the existing area occupied by  
 27 such site element. Parking redesignation plans and parking tabulation  
 28 revisions are also exempt from the requirement for a PRC plan regardless  
 29 of the area of such change.
- 30
- 31 E. Minor accessory structures and uses in open space areas such as benches,  
 32 gazebos, playground equipment, and bus shelters.
- 33
- 34 F. Those special permit uses and special exception uses which do not require  
 35 a site plan as set forth in Article 8 or Article 9, respectively.
- 36
- 37 G. Any permitted use on a temporary basis for a period not to exceed one (1)  
 38 year.

39

40 ~~Notwithstanding the above, a~~ A PRC plan ~~shall~~ is not be required for additions  
 41 and alterations to provide an accessibility improvement.

42

- 43 3. A PRC plan may be prepared and submitted for the entire planned development  
 44 at one time or for the various segments thereof, and each such plan ~~shall~~ must  
 45 be submitted in twenty-three (23) copies to the Zoning Administrator.
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4. Upon determination by the Zoning Administrator that the content of the PRC plan is complete in accordance with the requirements of Sect. 303 below, the plan ~~shall~~ will be accepted and submitted for comment and review to appropriate departments and agencies. Upon completion of such administrative review, the plan ~~shall~~ will be submitted to the Planning Commission.
  5. The Planning Commission ~~shall~~ may consider the PRC plan in accordance with the standards set forth in Par. 1 above, and ~~shall~~ will hold a public hearing thereon. In the event the PRC plan is not filed with and included in the processing of the rezoning application, the Planning Commission will hold a public hearing no later than six (6) months from the date the plan has been accepted. Subsequent to the public hearing, the Commission ~~shall~~ will transmit the PRC plan to the Board with its recommendation to approve, approve with modifications or disapprove.
  6. The Board ~~shall~~ will consider the PRC plan in accordance with the standards set forth in Par. 1 above, and ~~shall~~ will hold a public hearing ~~thereon~~. The Board ~~shall~~ may approve, approve with modifications or disapprove the PRC plan.
  7. Once the PRC plan has been approved, all subsequent approvals, uses and structures ~~shall~~ must be in substantial conformance with the approved PRC plan and any development conditions associated with such approval.
  8. Minor modifications to an approved rezoning and development plan may be permitted in a PRC plan when it is determined by the Zoning Administrator that they substantially conform to the approved rezoning and development plan and do not materially alter the character of the development. In making this determination, the Zoning Administrator may consider factors such as topography, engineering, and design. ~~such are in substantial conformance with the approved rezoning and development plan and that such: are in response to issues of topography, drainage, underground utilities, structural safety, layout, design, vehicular circulation, or requirements of the Virginia Department of Transportation or Fairfax County; or are accessory uses; or are accessory structures or minor building additions as permitted by Par. 8A(7) or 8B(7) below.~~
    - A. ~~For approved rezonings and development plans for all uses, other than churches, chapels, temples, synagogues and other such places of worship (hereinafter places of worship) and places of worship with a child care center, nursery school or private school of general or special education, the modifications shall, in no event:~~
      - (1) ~~Permit a more intensive use than that approved pursuant to the approved rezoning and development plan; or~~

- (2) ~~Result in an increased parking requirement, except for any additional parking which may be required for any building additions or modifications permitted under Par. 8A(7) below; or~~
- (3) ~~Permit additional uses other than those approved pursuant to the approved rezoning and development plan, except that accessory uses in accordance with this paragraph may be permitted; or~~
- (4) ~~Reduce the effectiveness of approved transitional screening, buffering, landscaping or open space; or~~
- (5) ~~Permit changes to bulk, mass, orientation or location which adversely impact the relationship of the development or part thereof to adjacent property; or~~
- (6) ~~Result in an increase in the amount of clearing and/or grading for a stormwater management facility, including any clearing and/or grading associated with spillways, inlets, outfall pipes or maintenance roads, that reduces non-stormwater management open space, tree save and/or landscaping area on the lot; or~~
- (7) ~~Include the addition of any building or additions to buildings except that accessory structures clearly subordinate to the use and minor additions to buildings may be permitted, provided that the sum total of all such structures or additions shall not exceed the following:~~
  - (a) ~~five (5) percent of the approved gross floor area or 500 square feet of gross floor area, whichever is less, when the total gross floor area shown on the approved development plan is less than 50,000 square feet; or~~
  - (b) ~~one (1) percent of the approved gross floor area when the total gross floor area shown on the approved development plan is 50,000 square feet or more; or~~
  - (c) ~~250 square feet of gross floor area of accessory storage structure uses when the total gross floor area shown on the approved development plan is 10,000 square feet or less; and~~
  - (d) ~~the maximum permitted density; or~~
  - (e) ~~the maximum permitted FAR.~~



1 B. ~~For approved rezonings and development plans for places of worship and~~  
2 ~~places of worship with a child care center, nursery school or private~~  
3 ~~school of general education, the modifications shall, in no event:~~

4  
5 (1) ~~Permit an expansion of the hours of operation from that approved~~  
6 ~~pursuant to the approved rezoning and development plan; or~~

7  
8 (2) ~~Permit an increase in the number of seats, parking spaces or~~  
9 ~~students, if applicable, which exceeds more than ten (10) percent of~~  
10 ~~the amount approved pursuant to the rezoning and development~~  
11 ~~plan; or~~

12  
13 (3) ~~Permit uses other than those approved pursuant to the rezoning and~~  
14 ~~development plan, except that accessory uses in accordance with~~  
15 ~~this paragraph may be permitted; or~~

16  
17 (4) ~~Reduce the effectiveness of approved transitional screening,~~  
18 ~~buffering, and landscaping or open space; or~~

19  
20 (5) ~~Permit changes to bulk, mass, orientation or location which~~  
21 ~~adversely impact the relationship of the development or part thereof~~  
22 ~~to adjacent property; or~~

23  
24 (6) ~~Result in an increase in the amount of clearing and/or grading for a~~  
25 ~~stormwater management facility, including any clearing and/or~~  
26 ~~grading associated with spillways, inlets, outfall pipes or~~  
27 ~~maintenance roads, that reduces non-stormwater management open~~  
28 ~~space, tree save and/or landscaping area on the lot; or~~

29  
30 (7) ~~Include the addition of any building or additions to buildings except~~  
31 ~~that accessory structures clearly subordinate to the use, and minor~~  
32 ~~additions to buildings may be permitted, provided that:~~

33  
34 (a) ~~the sum total of all such structures or additions shall not exceed~~  
35 ~~the greater of 500 square feet of gross floor area, or five (5)~~  
36 ~~percent of the approved gross floor area up to a maximum of~~  
37 ~~2500 square feet of gross floor area; and~~

38  
39 (b) ~~the maximum permitted FAR for the zoning district shall not~~  
40 ~~be exceeded.~~

41  
42 C. ~~For all approved rezonings and development plans, any request for an~~  
43 ~~addition shall require the provision of written notice by the requester in~~  
44 ~~accordance with the following:~~  
45

- 1                   (1) ~~the notice shall include the letter of request with all attachments as~~  
 2                   ~~submitted to the Zoning Administrator, a statement that the request~~  
 3                   ~~has been submitted, and where to call for additional information;~~  
 4                   ~~and~~  
 5  
 6                   (2) ~~the notice shall be sent to the last known address of the owners, as~~  
 7                   ~~shown in the real estate assessment files of the Department of Tax~~  
 8                   ~~Administration, of all property abutting and across the street from~~  
 9                   ~~the site, or portion thereof, which is the subject of the request, and~~  
 10                   ~~shall be delivered by hand or sent by certified mail, return receipt~~  
 11                   ~~requested.~~

12  
 13                   ~~The request for an addition submitted to the Zoning Administrator shall~~  
 14                   ~~include: an affidavit from the requester affirming that the required notice~~  
 15                   ~~has been provided in accordance with the above; the date that the notice~~  
 16                   ~~was delivered or sent; the names and addresses of all persons notified;~~  
 17                   ~~and the Tax Map references for all parcels notified. No request for an~~  
 18                   ~~addition shall be considered by the Zoning Administrator unless the~~  
 19                   ~~affidavit has been provided in accordance with this paragraph.~~

20  
 21                   Minor modifications may not:

- 22  
 23                   A. Remove any land from or add any land to the area subject to the rezoning  
 24                   or development plan;  
 25  
 26                   B. Create, intensify, or expand any nonconformity with maximum or  
 27                   minimum requirements of the zoning district;  
 28  
 29                   C. Result in an increased parking requirement, except for any additional  
 30                   parking required for building additions or modifications permitted under  
 31                   Paragraphs 4 D and 4 K below;  
 32  
 33                   D. Permit a more intensive use than that approved in the proffered  
 34                   conditions, except that places of worship or places of worship with a child  
 35                   care center, nursery school, private school of general or special education,  
 36                   may increase the number of seats, parking spaces, and/or students up to  
 37                   ten (10) percent of the proffered amount, if not expressly prohibited by  
 38                   the rezoning or development plan;  
 39  
 40                   E. Permit uses other than those approved pursuant to the rezoning or  
 41                   development plan except that accessory uses may be permitted;  
 42  
 43                   F. Reduce the effectiveness of approved transitional screening, buffering,  
 44                   landscaping, and/or open space;  
 45

1           G. Permit changes to bulk, mass, orientation, or location that adversely  
2           impact the relationship of the development to adjacent property, except  
3           that:

4  
5           (1) Modifications that reduce proffered yards up to 10% may be  
6           considered, provided that they do not adversely impact adjacent  
7           property; and

8  
9           (2) Increases in height up to 10 feet and increases in percentages of  
10          rooftop coverage may be permitted to exempt solar collectors and  
11          other innovative energy and environmental technologies.

12  
13          H. Increase the amount of clearing or grading for a stormwater management  
14          facility, including any clearing or grading associated with spillways,  
15          inlets, outfall pipes, or maintenance roads that reduces non-stormwater  
16          management open space, tree save area, or landscaping area on the lot;

17  
18          I. Expand hours of operation;

19  
20          J. Expand the area or type of signage approved, although changes to color  
21          and typeface may be considered provided they do not change the  
22          character of the approved sign;

23  
24          K. Include the addition of or to any building, except that accessory structures  
25          clearly subordinate to the principal use and minor building additions,  
26          including those for cellar space, may be permitted, provided that the total  
27          of all such structures or additions cannot exceed the following:

28  
29          (1) 500 square feet or five (5) percent of the approved gross floor area  
30          up to 2500 square feet, whichever is greater, when the total gross  
31          floor area approved does not exceed 250,000 square feet.

32  
33          (2) One (1) percent of the approved gross floor area when the total gross  
34          floor area approved exceeds 250,000 square feet or more.

35  
36          (3) 250 square feet of gross floor area of accessory storage structure uses  
37          when the total gross floor area approved is 10,000 square feet or less.

38  
39          (4) The maximum allowable density or FAR in the zoning district,  
40          however, any increase in gross floor area resulting from replacing the  
41          materials of an existing building façade is not included in the  
42          calculation of FAR.

43  
44          Anyone requesting a minor modification for a building addition must send

1 notice of the request to the owners of all property abutting and across the street  
 2 from the site, or portion thereof, to the last known address, as shown in the real  
 3 estate assessment files of the Department of Tax Administration.

4  
 5 The notice must be delivered by hand or sent by certified mail, return receipt  
 6 requested and include the letter of request submitted to the Zoning  
 7 Administrator with all attachments, a statement that the request has been  
 8 submitted, and where to call for additional information.

9  
 10 An affidavit from the requester must be sent to the Zoning Administrator  
 11 affirming: that the required notice has been provided in accordance with the  
 12 above; the date that the notice was delivered or sent; the names and addresses  
 13 of all persons notified; and, the Tax Map references for all parcels notified. The  
 14 Zoning Administrator will not consider any request for an addition that omits  
 15 this affidavit.

16  
 17 When it is determined by the Zoning Administrator that a modification is not  
 18 in substantial conformance with the approved rezoning or development plan,  
 19 such modification ~~shall~~ will require the resubmission and amendment of the  
 20 development plan in accordance with Sect. 202 above.

21  
 22 9. When the Board approves a minor variation to a proffered condition in  
 23 accordance with Sect. 18-204, the variation is deemed to apply to any approved  
 24 development plan or PRC plan and does not require approval of a separate  
 25 amendment.

26  
 27 ~~910. Notwithstanding Par. 8 above, a~~ Any modification to provide an accessibility  
 28 improvement shall be is permitted and shall not require without requiring  
 29 approval of a development plan amendment.

30  
 31 ~~1011.~~ Once a PRC plan has been approved, any proposed amendment shall be is  
 32 subject to Board of Supervisors approval in accordance with the provisions of  
 33 this section.

34  
 35 ~~1112.~~ Preliminary site plans approved prior to December 6, 1994 and preliminary site  
 36 plans approved pursuant to the grandfather provisions for Zoning Ordinance  
 37 Amendment #94-263 shall be are deemed to be approved PRC plans.  
 38 Additionally, PRC plans processed and approved prior to March 27, 2007 shall  
 39 be are deemed to be approved PRC plans and are valid for three (3) years from  
 40 the date of approval. However, if a site plan for all or a portion of the area is  
 41 approved during that period, the approved PRC plan for the corresponding area  
 42 shall will remain valid for the life of the site plan.

- 43  
 44 - **Amend Part 4, Procedures for Review and Approval of All P Districts Except the PRC**  
 45 **District, as follows:**  
 46

- 1 - **Amend Sect. 16-401, Conceptual Development Plan Approval, by revising Par. 11,**  
 2 **to read as follows:**  
 3

4 11. Once a conceptual development plan has been approved, all subsequent  
 5 approvals, uses and structures ~~shall~~ must be in substantial conformance with  
 6 the approved conceptual development plan and any development conditions  
 7 associated with such approval. Should there be cause for amendment of the  
 8 conceptual development plan or any portion thereof, such amendment ~~shall~~ will  
 9 be processed as a new submission; provided, however, that the Zoning  
 10 Administrator may waive any submission requirement if such requirement is  
 11 not necessary for an adequate review of the conceptual development plan  
 12 amendment application. A conceptual development plan amendment  
 13 application may cover all or be filed on a portion of the property subject to an  
 14 approved conceptual development plan, ~~upon a determination by the Zoning~~  
 15 ~~Administrator that the amendment (a) would not adversely affect the use of the~~  
 16 ~~property subject to the conceptual development plan and conditions but not~~  
 17 ~~incorporated into the amendment application, (b) would not inhibit, adversely~~  
 18 ~~affect, or preclude in any manner the fulfillment of the conceptual development~~  
 19 ~~plan and conditions applicable to the area not incorporated into the amendment~~  
 20 ~~application, (c) would not adversely affect the vehicular and pedestrian~~  
 21 ~~circulation, connectivity, landscaping and streetscape applicable to the area not~~  
 22 ~~incorporated into the amendment application, and (d) would not increase the~~  
 23 ~~overall approved density/intensity for the development, provided, however,~~  
 24 ~~within the PTC District, for a multiple phased development, an increase in the~~  
 25 ~~intensity may be approved for any portion of such development, provided it~~  
 26 ~~does not adversely affect the intensity applicable to the area not incorporated~~  
 27 ~~into the amendment application. In its review of a request that does not cover~~  
 28 ~~all of the property subject to an approved conceptual development plan, the~~  
 29 ~~Board should consider whether the request would have an adverse impact on~~  
 30 ~~the remainder of the property in terms of (a) the approved use, (b) fulfillment~~  
 31 ~~of conditions, (c) vehicular and pedestrian circulation, connectivity,~~  
 32 ~~landscaping and streetscape, and (d) the approved density or intensity. The~~  
 33 portion of the conceptual development plan and previously approved  
 34 conditions which are not subject to the amendment request shall remain in full  
 35 force and effect.  
 36

- 37 - **Amend Sect. 16-403, Site Plan/Subdivision Plat Preparation, Building Permit,**  
 38 **Residential Use Permit and Non-Residential Use Permit, to read as follows:**  
 39

40 Approval of a final development plan ~~shall be~~ is a prerequisite and ~~shall~~  
 41 constitutes authority for the applicant to prepare a site plan or a subdivision plat. Approval of  
 42 site plans or subdivision plats and the issuance of Building Permits, Residential  
 43 and/or Non-Residential Use Permits ~~shall~~ must be in substantial conformance with  
 44 the final development plan, and in accordance with the provisions of this Ordinance  
 45 and Chapter 101 of The Code, The Subdivision Ordinance, and the following:  
 46

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1. Separate site plans or subdivision plats ~~shall~~ must be submitted for each section of the planned development in accordance with the approved final development plan. For development within the PTC District subject to a phasing plan, each site plan or subdivision plat ~~shall~~ must provide a statement in tabular form indicating the amount of gross floor area, FAR and/or number of dwelling units approved for each specific phase and the overall development subject to the rezoning to the PTC District and ~~shall~~ must also include the amount of gross floor area, FAR and/or number of dwelling units constructed within each phase and for the overall development as of the date of the submission of the site plan or subdivision plat.
  2. Except in the PTC District, when a planned development is to be constructed in sections, the total area of open space provided at any stage of development ~~shall~~ must bear substantially the same relationship to the total open space to be provided in the entire planned development as the sections completed or under development bear to the entire planned development.
  3. Minor deviations from the provisions of this Ordinance and Chapter 101 of The Code, The Subdivision Ordinance, may be permitted, but only where ~~such~~ the deviations are indicated on the approved final development plan.
  4. ~~Minor modifications to an approved final development plan may be permitted when it is determined by the Zoning Administrator that such are in substantial conformance with the approved final development plan and that such: are in response to issues of topography, drainage, underground utilities, structural safety, layout, design, vehicular circulation, or requirements of the Virginia Department of Transportation or Fairfax County; or are accessory uses; or are accessory structures or minor building additions as permitted by Par. 4A(7) or 4(B)7 below.~~
    - A. ~~For approved final development plans for all uses, other than churches, chapels, temples, synagogues and other such places of worship (hereinafter places of worship) and places of worship with a child care center, nursery school or private school of general or special education, the modifications shall, in no event:~~
      - (1) ~~Permit a more intensive use than that approved pursuant to the approved conceptual development plan, final development plan or any applicable proffers or development conditions; or~~
      - (2) ~~Result in an increased parking requirement, except for any additional parking which may be required for any building additions or modifications permitted under Par. 4A(7) below; or~~
      - (3) ~~Permit additional uses other than those approved pursuant to the approved conceptual development plan, final development plan, or~~

1                   ~~any applicable proffers or development conditions, except that~~  
 2                   ~~accessory uses in accordance with this paragraph may be permitted;~~  
 3                   ~~or~~

- 4
- 5                   (4) ~~Reduce the effectiveness of approved transitional screening,~~  
 6                   ~~buffering, landscaping or open space; or~~
- 7
- 8                   (5) ~~Permit changes to bulk, mass, orientation or location which~~  
 9                   ~~adversely impact the relationship of the development or part thereof~~  
 10                   ~~to adjacent property; or~~
- 11
- 12                   (6) ~~Result in an increase in the amount of clearing and/or grading for a~~  
 13                   ~~stormwater management facility, including any clearing and/or~~  
 14                   ~~grading associated with spillways, inlets, outfall pipes or~~  
 15                   ~~maintenance roads, that reduces non-stormwater management open~~  
 16                   ~~space, tree save and/or landscaping area on the lot; or~~
- 17
- 18                   (7) ~~Include the addition of any building or additions to buildings except~~  
 19                   ~~that accessory structures clearly subordinate to the use and minor~~  
 20                   ~~additions to buildings may be permitted, provided that the sum total~~  
 21                   ~~of all such structures or additions shall not exceed the following:~~
- 22
- 23                   (a) ~~five (5) percent of the approved gross floor area or 500 square~~  
 24                   ~~feet of gross floor area, whichever is less, when the total gross~~  
 25                   ~~floor area shown on the approved final development plan is~~  
 26                   ~~less than 50,000 square feet; or~~
- 27
- 28                   (b) ~~one (1) percent of the approved gross floor area when the total~~  
 29                   ~~gross floor area shown on the approved final development~~  
 30                   ~~plan is 50,000 square feet or more; or~~
- 31
- 32                   (c) ~~250 square feet of gross floor area of accessory storage~~  
 33                   ~~structure uses when the total gross floor area shown on the~~  
 34                   ~~approved final development plan is 10,000 square feet or less;~~  
 35                   ~~and~~
- 36
- 37                   (d) ~~the land area designated for commercial uses in the PDH~~  
 38                   ~~District or the maximum FAR provisions in the PDC, PRM~~  
 39                   ~~and PTC Districts; or~~
- 40
- 41                   (e) ~~the maximum permitted density.~~
- 42

- 43                   B. ~~For approved final development plans for places of worship and places~~  
 44                   ~~of worship with a child care center, nursery school or private school of~~  
 45                   ~~general or special education, the modifications shall, in no event:~~
- 46

- 1                   (1) ~~Permit an expansion of the hours of operation from that approved~~  
2 ~~pursuant to the approved conceptual development plan, final~~  
3 ~~development plan or any applicable proffers or development~~  
4 ~~conditions; or~~  
5
- 6                   (2) ~~Permit an increase in the number of seats, parking spaces or~~  
7 ~~students, if applicable, which exceeds more than ten (10) percent~~  
8 ~~of the amount approved pursuant to the conceptual development~~  
9 ~~plan, final development plan or any applicable proffers or~~  
10 ~~development conditions; or~~  
11
- 12                  (3) ~~Permit uses other than those approved pursuant to the conceptual~~  
13 ~~development plan, final development plan, or any applicable~~  
14 ~~proffers or development conditions, except that accessory uses in~~  
15 ~~accordance with this paragraph may be permitted; or~~  
16
- 17                  (4) ~~Reduce the effectiveness of approved transitional screening,~~  
18 ~~buffering, and landscaping or open space; or~~  
19
- 20                  (5) ~~Permit changes to bulk, mass, orientation or location which~~  
21 ~~adversely impact the relationship of the development or part~~  
22 ~~thereof to adjacent property; or~~  
23
- 24                  (6) ~~Result in an increase in the amount of clearing and/or grading for~~  
25 ~~a stormwater management facility, including any clearing and/or~~  
26 ~~grading associated with spillways, inlets, outfall pipes or~~  
27 ~~maintenance roads, that reduces non-stormwater management~~  
28 ~~open space, tree save and/or landscaping area on the lot; or~~  
29
- 30                  (7) ~~Include the addition of any building or additions to buildings~~  
31 ~~except that accessory structures clearly subordinate to the use, and~~  
32 ~~minor additions to buildings may be permitted, provided that:~~  
33  
34                      (a) ~~the sum total of all such structures or additions shall not~~  
35 ~~exceed the greater of 500 square feet of gross floor area, or~~  
36 ~~five (5) percent of the approved gross floor area up to a~~  
37 ~~maximum of 2500 square feet of gross floor area; and~~  
38  
39                      (b) ~~the maximum permitted FAR for the zoning district shall not~~  
40 ~~be exceeded.~~  
41
- 42                  C. ~~For all approved final development plans, any request for an addition~~  
43 ~~shall require the provision of written notice by the requester in~~  
44 ~~accordance with the following:~~  
45  
46                      (1) ~~the notice shall include the letter of request with all attachments as~~



1 submitted to the Zoning Administrator, a statement that the request  
 2 has been submitted, and where to call for additional information;  
 3 and  
 4

- 5 (2) the notice shall be sent to the last known address of the owners, as  
 6 shown in the real estate assessment files of the Department of Tax  
 7 Administration, of all property abutting and across the street from  
 8 the site, or portion thereof, which is the subject of the request, and  
 9 shall be delivered by hand or sent by certified mail, return receipt  
 10 requested.  
 11

12 The request for an addition submitted to the Zoning Administrator shall  
 13 include: an affidavit from the requester affirming that the required notice  
 14 has been provided in accordance with the above; the date that the notice  
 15 was delivered or sent; the names and addresses of all persons notified;  
 16 and the Tax Map references for all parcels notified. No request for an  
 17 addition shall be considered by the Zoning Administrator unless the  
 18 affidavit has been provided in accordance with this paragraph.  
 19

20 Minor modifications to a final development plan are allowed when the Zoning  
 21 Administrator determines that they substantially conform to the approved final  
 22 development plan and do not materially alter the character of the development.  
 23 In making this determination, the Zoning Administrator may consider factors  
 24 such as topography, engineering and design.  
 25

26 Minor modifications may not:  
 27

- 28 A. Remove any land from or add any land to the area subject to the proffered  
 29 conditions;  
 30  
 31 B. Create, intensify, or expand any nonconformity with maximum or  
 32 minimum requirements of the zoning district;  
 33  
 34 C. Result in an increased parking requirement, except for any additional  
 35 parking required for building additions or modifications permitted under  
 36 Par. 4 D and 4 K below;  
 37  
 38 D. Permit a more intensive use than that approved in the proffered  
 39 conditions, except that Places of Worship or Places of Worship with a  
 40 Child Care Center, Nursery School, Private School of General or Special  
 41 Education, may increase the number of seats, parking spaces, and/or  
 42 students up to ten (10) percent of the proffered amount, if not expressly  
 43 prohibited by the proffered conditions;  
 44  
 45 E. Permit uses other than those approved pursuant to the final development  
 46 plan except that accessory uses may be permitted;

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- F. Reduce the effectiveness of approved transitional screening, buffering, landscaping, and/or open space;
  - G. Permit changes to bulk, mass, orientation, or location that adversely impact the relationship of the development to adjacent property, except that:
    - (1) Modifications that reduce proffered yards up to 10% may be considered, provided that they do not adversely impact adjacent property; and
    - (2) Increases in height up to 10 feet and increases in percentages of rooftop coverage may be permitted to exempt solar collectors and other innovative technologies.
  - H. Increase the amount of clearing or grading for a stormwater management facility, including any clearing or grading associated with spillways, inlets, outfall pipes, or maintenance roads that reduces non-stormwater management open space, tree save area, or landscaping area on the lot;
  - I. Expand hours of operation;
  - J. Expand the area of signage approved, although changes to color and typeface may be considered provided they do not change the character of the approved sign;
  - K. Include the addition of or to any building, except that accessory structures clearly subordinate to the principal use and minor building additions, including those for cellar space, may be permitted, provided that the total of all such structures or additions cannot exceed the following:
    - (1) 500 square feet or five (5) percent of the approved gross floor area up to 2500 square feet, whichever is greater, when the total gross floor area approved does not exceed 250,000 square feet.
    - (2) One (1) percent of the approved gross floor area when the total gross floor area approved exceeds 250,000 square feet.
    - (3) 250 square feet of gross floor area of accessory storage structure uses when the total gross floor area approved is 10,000 square feet or less.
    - (4) Exceed the maximum allowable density or FAR in the zoning district, however, any increase in gross floor area resulting from replacing the materials of an existing building façade is not included

1                                   in the calculation of FAR.

2  
3                   Anyone requesting a minor modification for a building addition must send  
4                   notice of the request to the owners of all property abutting and across the street  
5                   from the site, or portion thereof, to the last known address, as shown in the real  
6                   estate assessment files of the Department of Tax Administration.

7  
8                   The notice must be delivered by hand or sent by certified mail, return receipt  
9                   requested and include the letter of request submitted to the Zoning  
10                  Administrator with all attachments, a statement that the request has been  
11                  submitted, and where to call for additional information.

12  
13                  An affidavit from the requester must be sent to the Zoning Administrator  
14                  affirming: that the required notice has been provided in accordance with the  
15                  above; the date that the notice was delivered or sent; the names and addresses  
16                  of all persons notified; and, the Tax Map references for all parcels notified. The  
17                  Zoning Administrator will not consider any request for an addition that omits  
18                  this affidavit.

19  
20                  When it is determined by the Zoning Administrator that a modification is not  
21                  in substantial conformance with the approved final development plan, such  
22                  modification ~~shall~~ requires the resubmission and amendment of the final  
23                  development plan in accordance with Sect. 402 above.

24  
25                  5.    When the Board approves a minor variation to a proffered condition in  
26                  accordance with Section 18-204, the variation is deemed to apply to any  
27                  approved final development plan or final development plan condition and not  
28                  require approval of a separate amendment to that plan.

29  
30                  ~~5.6.~~ ~~Notwithstanding the above,~~ a Any modification to an approved final  
31                  development plan to provide an accessibility improvement shall be permitted  
32                  and ~~shall~~ not require approval of an amendment to the final development plan.

33  
34                  6.7. Notwithstanding the above, any alteration to a single family dwelling unit shall  
35                  be governed by the regulations of that R zoning district which most closely  
36                  characterizes the given development as determined by the Zoning  
37                  Administrator. If, however, the desired alteration is not in substantial  
38                  conformance with the approved final development plan, it will be allowed only  
39                  after amendment of the final development plan in accordance with the  
40                  provisions set forth in Sect. 402 above.

41  
42    **Amend Article 18, Administration, Amendments, Violations and Penalties, as follows:**

- 43  
44    -    **Amend Part 1, Administration, Sect. 18-106 Application and Zoning Compliance**  
45    **Letter Fees, by revising Par. 9 as follows:**

46

1 9. Interpretation of approved zoning application or minor variation to proffered  
 2 conditions: \$520

3  
 4 - **Amend Part 2, Amendments, as follows:**

5  
 6 - **Amend the entirety of Sections 18-201, 18-202, and 18-203, to read as follows:**

7  
 8 **18-201 Initiation of Amendments**

9  
 10 The text of this Ordinance and any zoning district boundary shown on the Zoning  
 11 Map may be amended by the Board, provided ~~that proceedings for any the~~  
 12 amendment ~~shall be~~ is initiated ~~only~~ in the following manner:

- 13  
 14 1. ~~By the a~~ Adoption by the Planning Commission of a resolution of intention to  
 15 propose an amendment; or  
 16  
 17 2. ~~By the a~~ Adoption by the Board of a resolution of intention to amend, which  
 18 resolution, upon adoption, ~~shall be~~ is referred to the Planning Commission; or  
 19  
 20 3. ~~By the f~~Filing with the Zoning Administrator of an application submitted by  
 21 the owners, contract purchasers, or a condominium in accordance with the  
 22 provisions of Sect. 2-518, or their agents, of the land proposed to be rezoned,  
 23 which application ~~shall~~ must be sworn to under oath or affirmation and  
 24 acknowledged before a notary public.

25  
 26 **18-202 Submission Requirements**

27  
 28 All applications for amendments to the Zoning Map, initiated ~~in the manner~~  
 29 ~~prescribed by~~ under Par. 3 of Sect. 201 above, except as qualified below, ~~shall~~ must  
 30 ~~be filed with the Zoning Administrator and shall~~ include the following information:

- 31  
 32 1. ~~Four (4) copies of an~~ One (1) original completed application signed by the  
 33 applicant on forms provided by the County, ~~completed and signed by the~~  
 34 ~~applicant~~.  
 35  
 36 2. Four (4) copies of a certified plat of the subject property containing the  
 37 following information:  
 38  
 39 A. Boundaries of the entire property, with bearings and distances of the  
 40 perimeter property lines, and of each existing and proposed zoning  
 41 district.  
 42  
 43 B. Total area of property and of each existing and proposed zoning district  
 44 presented in square feet or acres.  
 45

- 1 C. Scale and north arrow, with north, to the extent feasible, oriented to the  
2 top of the plat.  
3
- 4 D. Location of all existing buildings and structures.  
5
- 6 E. Names and route numbers of all boundary roads or streets, and the width  
7 of existing right(s)-of-way.  
8
- 9 F. Seal and signature of person preparing the plat.  
10
- 11 3. Four (4) copies of a legal description of the property, including metes and  
12 bounds of each zoning district proposed.  
13
- 14 4. One (1) copy of the current Fairfax County Zoning Section Sheet(s) covering  
15 the area of the application, at a scale of one inch equals five hundred feet (1" =  
16 500'), showing:  
17
- 18 A. Boundaries of the subject property outlined in red.  
19
- 20 B. Major thoroughfare access to the property and any known plans for future  
21 widening as indicated in the adopted comprehensive plan or a plan  
22 prepared by the Virginia Department of Transportation.  
23
- 24 If more than one (1) Zoning Section Sheet is required to cover the subject  
25 property, the sheets must be attached so as to create an intelligible map.  
26
- 27 5. For all applications proposing residential development, five (5) copies of a map  
28 identifying classification of soil types at a scale not less than one inch equals  
29 five hundred feet (1" = 500'), based upon the County of Fairfax Soils  
30 Identification Maps.  
31
- 32 6. For all applications, except an application involving an amendment constituting  
33 the adoption of a comprehensive zoning plan, an ordinance applicable  
34 throughout the County, or an application initiated by the Board under Par. 2 of  
35 Sect. 201 above that involves more than ten (10) parcels that are owned by  
36 different individuals, trusts, corporations or other entities, an affidavit, as  
37 presented on an affidavit form approved by the Board of Supervisors and  
38 provided by the County, must be completed, signed by the applicant or the  
39 applicant's authorized agent and notarized, including a statement indicating  
40 whether or not a member of the Board or Planning Commission, or any member  
41 of his or her immediate household owns or has any financial interest in the  
42 subject land either individually, by ownership in stock in a corporation owning  
43 such land, or through an interest in a partnership owning such land. If the  
44 applicant's agent completes the application or affidavit on the applicant's  
45 behalf, a certified statement from the applicant must be submitted showing the  
46 agent's authorization to act in such capacity.

1 Prior to each public hearing on the application, the applicant must  
 2 reaffirm the affidavit required by this Paragraph in accordance with the  
 3 reaffirmation procedure outlined on the affidavit form approved by the Board  
 4 of Supervisors and provided by the County.

5 Additionally, for developments which are subject to the provisions of Part  
 6 8 of Article 2, the owner and/or applicant must submit an affidavit which  
 7 includes:

- 8
- 9 A. The names of the owners of each parcel of the sites or portions thereof at  
 10 one location, as such terms are defined in Par. 1 of Sect. 2-802; and
- 11
- 12 B. The Fairfax County Property Identification Map Number, parcel size and  
 13 zoning district classification for each parcel which is part of the site or  
 14 portion thereof.
- 15
- 16 7. An application filed by an agent, contract purchaser or lessee must include a  
 17 notarized written statement signed by the property owner indicating  
 18 endorsement of the application. For a condominium, a notarized written  
 19 statement by the property owner must be provided in accordance with the  
 20 provisions of Sect. 2-518.
- 21
- 22 8. Six (6) copies of an environmental assessment/impact statement as required by  
 23 the provisions of Part 5 below.
- 24
- 25 9. Four (4) copies of a written statement of justification, dated and signed.
- 26
- 27 ~~10. If the proposed amendment is for a rezoning to an R, C or I district, twenty-three~~  
 28 ~~(23) copies of a generalized development plan, certified by a professional~~  
 29 ~~engineer, architect, landscape architect or land surveyor authorized to practice~~  
 30 ~~as such by the State, including any resubmissions of the plan and supporting~~  
 31 ~~graphics, to be submitted in accordance with the provisions of Sect. 203 below,~~  
 32 ~~and to include the information set forth below. One 8 1/2" x 11" reduction of~~  
 33 ~~the plan, any resubmissions and supporting graphics shall also be submitted.~~  
 34 ~~However, the requirement for such development plan may be modified or~~  
 35 ~~waived by the Zoning Administrator when it has been determined that (a) such~~  
 36 ~~plan is not necessary for the adequate review of the rezoning application, and~~  
 37 ~~(b) such development as is proposed upon rezoning is of a nature as not to have~~  
 38 ~~a significant adverse impact upon the community or upon the public facilities~~  
 39 ~~available to the property.~~

40

41 ~~A generalized development plan, at a scale of not less than one inch~~  
 42 ~~equals one hundred feet (1" = 100'), which scale may be modified by the Zoning~~  
 43 ~~Administrator based on the nature and/or size of the application, shall show the~~  
 44 ~~following:~~

45

- 1 A. ~~Scale and north arrow, with north, to the extent feasible, oriented to the~~  
2 ~~top of the plan.~~  
3
- 4 B. ~~Except for single family detached dwellings, the approximate location~~  
5 ~~and dimensions of all proposed structures and uses, to include the~~  
6 ~~maximum height in feet of all structures and penthouses, and a graphic~~  
7 ~~depiction of the angle of bulk plane, if applicable.~~  
8
- 9 C. ~~The proposed traffic circulation plan including major streets and major~~  
10 ~~pedestrian, bike and/or bridle paths, and the location of all trails required~~  
11 ~~by the adopted comprehensive plan.~~  
12
- 13 D. ~~All proposed major open space areas and the approximate location of all~~  
14 ~~proposed community and public facilities.~~  
15
- 16 E. ~~The proposed plan for all major sanitary sewer improvements.~~  
17
- 18 F. ~~Approximate location, estimated size of footprint in acres and type of all~~  
19 ~~proposed stormwater management facilities, including the full extent~~  
20 ~~of side slopes, embankments, spillways, dams, and approximate water~~  
21 ~~surface elevation for design storms, if applicable. In addition, a~~  
22 ~~preliminary stormwater management plan that includes information~~  
23 ~~about the adequacy of downstream drainage, including the sufficiency of~~  
24 ~~capacity of any storm drainage pipes and other conveyances into which~~  
25 ~~stormwater runoff will be conveyed. When there is 2500 square feet or~~  
26 ~~more of land disturbing activity on the entire application property, in~~  
27 ~~addition to the above, the preliminary stormwater management plan shall~~  
28 ~~include:~~  
29
- 30 (1) ~~A graphic depicting:~~
- 31
- 32 (a) ~~The approximate footprint of the stormwater management~~  
33 ~~facility and, where applicable, the height of the dam~~  
34 ~~embankment and the location of the emergency spillway~~  
35 ~~outlet for each stormwater management facility.~~  
36
- 37 (b) ~~The approximate on-site and off-site areas to be served by~~  
38 ~~each stormwater management facility, along with the acreage~~  
39 ~~draining to each facility.~~  
40
- 41 (c) ~~A preliminary layout of all on-site drainage channels, outfalls~~  
42 ~~and pipes, including inlet and outlet pipes within the~~  
43 ~~stormwater management facility.~~  
44
- 45 (d) ~~The approximate location or alternative locations, if any, of~~  
46 ~~any maintenance access road or other means of access to the~~

- 1 stormwater management facility, and the identification of the  
 2 types of surfaces to be used for any such road.  
 3
- 4 (e) ~~Proposed landscaping and tree preservation areas in and near~~  
 5 ~~the stormwater management facility.~~  
 6
- 7 (f) ~~The approximate limits of clearing and grading on-site and~~  
 8 ~~off site for the stormwater management facility, storm~~  
 9 ~~drainage pipes, spillways, access roads and outfalls, including~~  
 10 ~~the provision of energy dissipation, storm drain outlet~~  
 11 ~~protection and/or stream bank stabilization measures.~~  
 12
- 13 (2) ~~A preliminary stormwater management narrative setting forth the~~  
 14 ~~following:~~
- 15
- 16 (a) ~~Description of how the detention and best management~~  
 17 ~~practice requirements will be met.~~  
 18
- 19 (b) ~~The estimated area and volume of storage of the stormwater~~  
 20 ~~management facility to meet stormwater detention and best~~  
 21 ~~management practice requirements.~~  
 22
- 23 (c) ~~For each watercourse into which drainage from the property~~  
 24 ~~is discharged, a description of the existing outfall conditions,~~  
 25 ~~including any existing ponds or structures in the outfall area.~~  
 26 ~~The outfall area shall include all land located between the~~  
 27 ~~point of discharge from the property that is located farthest~~  
 28 ~~upstream, down to the point where the drainage area of the~~  
 29 ~~receiving watercourse exceeds 100 times the area of that~~  
 30 ~~portion of the property that drains to it or to a floodplain that~~  
 31 ~~drains an area of at least 1 square mile, whichever comes first.~~  
 32
- 33 (d) ~~Description of how the adequate outfall requirements of the~~  
 34 ~~Public Facilities Manual will be satisfied.~~  
 35
- 36 G. ~~The location of all existing utility easements having a width of~~  
 37 ~~twenty five (25) feet or more, and all major underground utility~~  
 38 ~~easements regardless of width.~~  
 39
- 40 H. ~~A schedule showing the number of parking spaces provided and the~~  
 41 ~~number required by the provisions of Article 11.~~  
 42
- 43 I. ~~Existing topography with a maximum contour interval of two (2) feet and~~  
 44 ~~a statement indicating whether it is air survey or field run.~~  
 45



- 1 J. ~~A delineation of those general areas that have scenic assets or natural~~  
2 ~~features deserving of protection and preservation, and a statement of how~~  
3 ~~such will be accomplished.~~  
4
- 5 K. ~~A statement or visual presentation of how adjacent and neighboring~~  
6 ~~properties shall be protected from any adverse effects prompted by the~~  
7 ~~proposed development, to include vehicular access plans and dimensions~~  
8 ~~of all peripheral yards that will be provided.~~  
9
- 10 L. ~~A delineation of all existing structures, and an indication of their date of~~  
11 ~~construction if known, and whether they will be retained or demolished.~~  
12
- 13 M. ~~A statement setting forth the maximum gross floor area and FAR~~  
14 ~~proposed for all uses other than residential.~~  
15
- 16 N. ~~A statement or presentation setting forth the maximum number of~~  
17 ~~dwelling units proposed, and the density and the open space calculations~~  
18 ~~based on the provisions of Sections 2-308 and 2-309.~~  
19
- 20 O. ~~A statement of those special amenities that are proposed within the~~  
21 ~~development.~~  
22
- 23 P. ~~A statement of the public improvements, both on and off site, that are~~  
24 ~~proposed for dedication and/or construction, and an estimate of the timing~~  
25 ~~of providing such improvements.~~  
26
- 27 Q. ~~A statement setting forth the proposed approximate development~~  
28 ~~schedule.~~  
29
- 30 R. ~~Approximate delineation of any floodplain designated by the Federal~~  
31 ~~Emergency Management Agency, United States Geological Survey, or~~  
32 ~~Fairfax County, the delineation of any Resource Protection Area and~~  
33 ~~Resource Management Area, and the approximate delineation of any~~  
34 ~~environmental quality corridor as defined in the adopted comprehensive~~  
35 ~~plan, and, if applicable, the distance of any existing and proposed~~  
36 ~~structures from the floodplain, Resource Protection Area and Resource~~  
37 ~~Management Area, or environmental quality corridor.~~  
38
- 39 S. ~~Any proposed improvements to the public right(s) of way and~~  
40 ~~delineation of the existing centerline of all streets abutting the property,~~  
41 ~~including dimensions from the existing centerline to the edge of the~~  
42 ~~pavement and to the edge of the right-of-way.~~  
43
- 44 T. ~~A plan showing limits of clearing, proposed landscaping and screening~~  
45 ~~in accordance with Article 13, and a delineation of existing vegetation, to~~  
46 ~~include existing vegetation to be preserved, and when there is 2500~~

~~square feet or more of land disturbing activity, an existing vegetation map.~~

~~U. Approximate delineation of any grave, object or structure marking a place of burial if known, and a statement indicating how the proposed development will impact the burial site.~~

~~V. A statement which confirms the ownership of the subject property, and the nature of the applicant's interest in same.~~

10.11. A statement explaining the relationship of the development to and compliance with the development criteria of the adopted comprehensive plan of the County.

~~11.12.~~ A listing, if known, of all hazardous or toxic substances as set forth in Title 40, Code of Federal Regulations Parts 116.4, 302.4 and 355; all hazardous waste as set forth in Virginia Department of Environmental Quality Hazardous Waste Management Regulations; and/or petroleum products as defined in Title 40, Code of Federal Regulations Part 280; to be generated, utilized, stored, treated, and/or disposed of on-site and the size and contents of any existing or proposed storage tanks or containers.

~~12.13.~~ A statement that the proposed development conforms to the provisions of all applicable ordinances, regulations and adopted standards or, if any waiver, exception or variance is sought by the applicant, it must be specifically noted with the justification for the modification.

If the proposal includes the request for a waiver of the yard regulations for yards abutting certain principal arterial highways and railroad tracks pursuant to Sect. 2-414, a study showing projected noise impacts, proposed mitigation measures and the effectiveness of such measures must be submitted.

13.14. Any additional information that the applicant may desire to proffer in the consideration of the application.

14.15. Where applicable, any other information as may be required by the provisions of Article 7, including the submission of the Archaeological Survey Data Form and a Phase I Archaeological Survey to the Fairfax County Park Authority as may be required pursuant to Sect. 7-210 for applications resulting in 2500 square feet or more of land disturbing activity and where the application property is located wholly or partially within or contiguous to a Historic Overlay District.

~~15.16.~~ If the proposed amendment is f For a rezoning to a R, C, or I district, twenty-three (23) copies of a generalized development plan in accordance with Sect. 203 below; and for a rezoning to a P district, twenty-three (23) copies of a development plan as provided for in Article 16.

1           ~~16.17.~~ An application fee as provided for in Sect. 106 above.

2  
3           17. All statements, plans, profiles, elevations, and other materials submitted  
4           become part of the record of the hearing on the application for an amendment  
5           to the Zoning Map.

6  
7   **18-203       Generalized Development Plan Regulations**

8  
9           Generalized development plans ~~as required by Par. 10 of Sect. 202 above~~ shall be are  
10          subject to the following regulations:

11  
12          1.   ~~A generalized development plan shall be filed with an application for rezoning.~~  
13            A generalized development plan not filed with the initial submission of ~~the an~~  
14            application to amend the Zoning Map shall may be submitted within sixty (60)  
15            days of the acceptance date of the application. Failure to meet this requirement  
16            ~~shall will~~ will change the acceptance date of the application pursuant to Sect. 107  
17            above, may ~~be due~~ cause ~~to a~~ delay in the processing of the application in  
18            accordance with Sect. 107 above, and may be ~~due~~ cause ~~to for~~ dismissal of the  
19            application in accordance with Sect. 209 below. ~~All data shall be submitted in~~  
20            ~~writing and by use of demonstrative materials necessary to present a clear and~~  
21            ~~complete description of the application, and such data shall be filed with the~~  
22            ~~Zoning Administrator.~~

23            The requirement for submission of the generalized development plan may  
24            be modified or waived by the Zoning Administrator when it has been  
25            determined that (a) the plan is not necessary for the adequate review of the  
26            rezoning application, and (b) the development as proposed by the rezoning will  
27            not have a significant adverse impact upon the community or upon the public  
28            facilities available to the property.

29  
30          2.   A generalized development plan, including any resubmissions and supporting  
31            graphics, must be certified by a professional engineer, architect, landscape  
32            architect or land surveyor authorized to practice as such by the State. One 8  
33            ½" x 11" reduction of the plan, any resubmissions and supporting graphics  
34            must also be submitted. All written statements, and all plans, profiles,  
35            elevations and other illustrative materials submitted with the generalized  
36            development plan must shall be filed in twenty-three (23) copies. Plans,  
37            profiles, elevations and other illustrative materials ~~shall must~~ be presented on  
38            a sheet having a maximum size of 24" x 36". If presented on more than one  
39            (1) sheet, match lines ~~shall must~~ clearly indicate where the several sheets join.  
40            The sheet size ~~of a generalized development plan~~ may be modified by the  
41            Zoning Administrator, based on the nature and/or size of the application.

42  
43          3.   A generalized development plan, at a scale of not less than one inch equals one  
44            hundred feet (1" = 100'), which scale may be modified by the Zoning  
45            Administrator based on the nature and/or size of the application, shall must  
46            show the following:

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45
- A. Scale and north arrow, with north, to the extent feasible, oriented to the top of the plan.
  - B. Except for single family detached dwellings, the approximate location and dimensions of all proposed structures and uses, to include the maximum height in feet of all structures and penthouses, and a graphic depiction of the angle of bulk plane, if applicable.
  - C. The proposed traffic circulation plan including major streets and major pedestrian, bike and/or bridle paths, and the location of all trails required by the adopted comprehensive plan.
  - D. All proposed major open space areas and the approximate location of all proposed community and public facilities.
  - E. The proposed plan for all major sanitary sewer improvements.
  - F. Approximate location, estimated size of footprint in acres and type of all proposed stormwater management facilities, including the full extent of side slopes, embankments, spillways, dams, and approximate water surface elevation for design storms, if applicable. In addition, a preliminary stormwater management plan that includes information about the adequacy of downstream drainage, including the sufficiency of capacity of any storm drainage pipes and other conveyances into which stormwater runoff will be conveyed. When there is 2500 square feet or more of land disturbing activity on the entire application property, in addition to the above, the preliminary stormwater management plan must include:
    - (1) A graphic depicting:
      - (a) The approximate footprint of the stormwater management facility and, where applicable, the height of the dam embankment and the location of the emergency spillway outlet for each stormwater management facility.
      - (b) The approximate on-site and off-site areas to be served by each stormwater management facility, along with the acreage draining to each facility.
      - (c) A preliminary layout of all on-site drainage channels, outfalls and pipes, including inlet and outlet pipes within the stormwater management facility.

- 1 (d) The approximate location or alternative locations, if any, of  
2 any maintenance access road or other means of access to the  
3 stormwater management facility, and the identification of the  
4 types of surfaces to be used for any such road.  
5
- 6 (e) Proposed landscaping and tree preservation areas in and near  
7 the stormwater management facility.  
8
- 9 (f) The approximate limits of clearing and grading on-site and  
10 off-site for the stormwater management facility, storm  
11 drainage pipes, spillways, access roads and outfalls, including  
12 the provision of energy dissipation, storm drain outlet  
13 protection and/or stream bank stabilization measures.  
14
- 15 (2) A preliminary stormwater management narrative setting forth the  
16 following:  
17
- 18 (a) Description of how the detention and best management  
19 practice requirements will be met.  
20
- 21 (b) The estimated area and volume of storage of the stormwater  
22 management facility to meet stormwater detention and best  
23 management practice requirements.  
24
- 25 (c) For each watercourse into which drainage from the property  
26 is discharged, a description of the existing outfall conditions,  
27 including any existing ponds or structures in the outfall area.  
28 The outfall area must include all land located between the  
29 point of discharge from the property that is located farthest  
30 upstream, down to the point where the drainage area of the  
31 receiving watercourse exceeds 100 times the area of that  
32 portion of the property that drains to it or to a floodplain that  
33 drains an area of at least 1 square mile, whichever comes first.  
34
- 35 (d) Description of how the adequate outfall requirements of the  
36 Public Facilities Manual will be satisfied.  
37
- 38 G. The location of all existing utility easements having a width of  
39 twenty-five (25) feet or more, and all major underground utility  
40 easements regardless of width.  
41
- 42 H. A schedule showing the number of parking spaces provided and the  
43 number required by the provisions of Article 11.  
44
- 45 I. Existing topography with a maximum contour interval of two (2) feet and  
46 a statement indicating whether it is air survey or field run.

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- J. A delineation of those general areas that have scenic assets or natural features deserving of protection and preservation, and a statement of how such will be accomplished.
  - K. A statement or visual presentation of how adjacent and neighboring properties will be protected from any adverse effects prompted by the proposed development, to include vehicular access plans and dimensions of all peripheral yards that will be provided.
  - L. A delineation of all existing structures, and an indication of their date of construction if known, and whether they will be retained or demolished.
  - M. A statement setting forth the maximum gross floor area and FAR proposed for all uses other than residential.
  - N. A statement or presentation setting forth the maximum number of dwelling units proposed, and the density and the open space calculations based on the provisions of Sections 2-308 and 2-309.
  - O. A statement of those special amenities that are proposed within the development.
  - P. A statement of the public improvements, both on and off-site, that are proposed for dedication and/or construction, and an estimate of the timing of providing such improvements.
  - Q. A statement setting forth the proposed approximate development schedule.
  - R. Approximate delineation of any floodplain designated by the Federal Emergency Management Agency, United States Geological Survey, or Fairfax County, the delineation of any Resource Protection Area and Resource Management Area, and the approximate delineation of any environmental quality corridor as defined in the adopted comprehensive plan, and, if applicable, the distance of any existing and proposed structures from the floodplain, Resource Protection Area and Resource Management Area, or environmental quality corridor.
  - S. Any proposed improvements to the public right(s)-of-way and delineation of the existing centerline of all streets abutting the property, including dimensions from the existing centerline to the edge of the pavement and to the edge of the right-of-way.
  - T. A plan showing limits of clearing, proposed landscaping and screening in accordance with Article 13, and a delineation of existing vegetation, to

1                    include existing vegetation to be preserved, and when there is 2500  
 2                    square feet or more of land disturbing activity, an existing vegetation  
 3                    map.

4  
 5                    U. Approximate delineation of any grave, object or structure marking a place  
 6                    of burial if known, and a statement indicating how the proposed  
 7                    development will impact the burial site.

8  
 9                    V. A statement which confirms the ownership of the subject property, and  
 10                    the nature of the applicant's interest in same.

11  
 12                    ~~All statements, plans, profiles, elevations, and other demonstrative materials~~  
 13                    ~~shall become part of the record of the hearing on the application for an~~  
 14                    ~~amendment to the Zoning Map. Any model must be accompanied by 8" by 10"~~  
 15                    ~~clear photographs showing a top view, an isometric view and each side of the~~  
 16                    ~~model.~~

17  
 18                    ~~4. Any statement, plan, profile, elevation or other demonstrative material which~~  
 19                    ~~is submitted with a rezoning application and which is to be a proffered~~  
 20                    ~~condition shall be identified as such by a written statement to that effect signed~~  
 21                    ~~by the applicant and the owner, to include contract purchaser. For a~~  
 22                    ~~condominium, the written statement of proffered conditions shall be signed in~~  
 23                    ~~accordance with the provisions of Sect. 2-518.~~

24  
 25                    - **Amend Section 18-204. Proffered Condition Regulations by deleting the existing text**  
 26                    **in its entirety and replace with new text, as follows:**

27  
 28                    **18-204 Proffered Condition Regulations**

29  
 30                    Proffered conditions may include any statement, plan and other materials which are  
 31                    submitted with a rezoning application and referenced in a written statement signed  
 32                    by the applicant, the owner and any contract purchaser(s), and accepted by the Board  
 33                    in conjunction with the approval of a rezoning. For condominiums, the written  
 34                    statement of proffers must be signed in accordance with Sect. 2-518.

35                    Proffered conditions are subject to the following:

36  
 37                    1. Once the public hearing has begun, no change or addition to any proffer is  
 38                    allowed without a second public hearing before the Board and, at the option of  
 39                    the Board, a second public hearing before the Planning Commission.

40  
 41                    2. If an amendment to the Zoning Map is adopted subject to proffered conditions,  
 42                    the property must be annotated as such on the Zoning Map.

43  
 44                    3. Proffered conditions become a part of the zoning regulations applicable to the  
 45                    rezoned property, unless changed by a subsequent amendment approved by the  
 46                    Board. These proffered conditions are in addition to the specific regulations set

1 forth in the Ordinance for the zoning district in question. Once an application with  
 2 proffered conditions is approved, any site plan, subdivision plat, or development  
 3 plan submitted for the development of the property must be in substantial  
 4 conformance with all proffered conditions and no County official may approve  
 5 any development without such substantial conformance, except as may be  
 6 permitted by Paragraphs 4, 5 and 6, below.

- 7  
 8 4. Minor modifications to the proffered conditions are allowed when the Zoning  
 9 Administrator determines that they substantially conform to the proffered  
 10 conditions and do not materially alter the character of the approved development.  
 11 In making this determination, the Zoning Administrator may consider factors  
 12 such as topography, engineering and design. Minor modifications are not  
 13 amendments or variations to the proffered conditions.

14  
 15 Minor modifications may not conflict with a proffer or:

- 16  
 17 A. Remove any land from or add any land to the area subject to the proffered  
 18 conditions;  
 19  
 20 B. Create, intensify, or expand any nonconformity with maximum or minimum  
 21 requirements of the zoning district;  
 22  
 23 C. Result in an increased parking requirement, except for any additional  
 24 parking required for building additions or modifications permitted under  
 25 Paragraphs 4 D and 4 K below;  
 26  
 27 D. Permit a more intensive use than that approved in the proffered conditions,  
 28 except that places of worship or places of worship with a child care center,  
 29 nursery school, private school of general or special education, may increase  
 30 the number of seats, parking spaces, and/or students up to ten (10) percent  
 31 of the proffered amount, if not expressly prohibited by the proffered  
 32 conditions;  
 33  
 34 E. Permit uses other than those approved pursuant to the proffered conditions  
 35 except that accessory uses may be permitted;  
 36  
 37 F. Reduce the effectiveness of approved transitional screening, buffering,  
 38 landscaping, and/or open space;  
 39  
 40 G. Permit changes to bulk, mass, orientation, or location that adversely impact  
 41 the relationship of the development to adjacent property, except that:  
 42  
 43 (1) Modifications that reduce setback dimensions up to 10% from that  
 44 shown on an approved development plan may be considered, provided  
 45 that they do not adversely impact adjacent property; and  
 46



1                   (2) Increases in height up to 10 feet and increases in percentages of rooftop  
2                   coverage may be permitted for solar collectors and other innovative  
3                   energy and environmental technologies.

4  
5                   H. Increase the amount of clearing or grading for a stormwater management  
6                   facility, including any clearing or grading associated with spillways, inlets,  
7                   outfall pipes, or maintenance roads that reduces non-stormwater  
8                   management open space, tree save area, or landscaping area on the lot;

9  
10                  I. Expand hours of operation;

11  
12                  J. Expand the area or type of signage approved, although changes to color and  
13                  typeface may be considered provided they do not change the character of  
14                  the approved sign;

15  
16                  K. Include the addition of or to any building, except that accessory structures  
17                  clearly subordinate to the principal use and minor building additions,  
18                  including those for cellar space, may be permitted, provided that the total of  
19                  all such structures or additions cannot exceed the following:

20  
21                  (1) 500 square feet or five (5) percent of the approved gross floor area up  
22                  to 2500 square feet, whichever is greater, when the total gross floor  
23                  area shown on the proffered development plan does not exceed 250,000  
24                  square feet.

25  
26                  (2) One (1) percent of the approved gross floor area when the total gross  
27                  floor area shown on the proffered development plan exceeds 250,000  
28                  square feet.

29  
30                  (3) 250 square feet of gross floor area of accessory storage structure uses  
31                  when the total gross floor area shown on the proffered development  
32                  plan is 10,000 square feet or less.

33  
34                  (4) The maximum density or FAR allowed in the zoning district or the  
35                  proffered conditions; however, any increase in gross floor area  
36                  resulting from replacing the materials of an existing building façade is  
37                  not included in the calculation of FAR;

38  
39                  Anyone requesting a minor modification for a building addition must send  
40                  notice of the request to the owners of all property abutting and across the  
41                  street from the site, or portion thereof, at the last known address, as shown  
42                  in the real estate assessment files of the Department of Tax Administration.

43  
44                  The notice must be delivered by hand or sent by certified mail, return receipt  
45                  requested and include the letter of request submitted to the Zoning  
46                  Administrator with all attachments, a statement that the request has been

1 submitted, and where to call for additional information.

2  
3 An affidavit from the requester must be sent to the Zoning Administrator  
4 affirming that the required notice has been provided in accordance with the  
5 above; the date that the notice was delivered or sent; the names and  
6 addresses of all persons notified; and, the Tax Map references for all parcels  
7 notified. The Zoning Administrator will not consider any request for an  
8 addition that omits this affidavit.

9  
10 5. The Board may approve certain requests for minor variations to proffered  
11 conditions or final development plan conditions without a public hearing in  
12 accordance with the following:

13  
14 A. Such requests cannot materially affect proffered conditions of use, density,  
15 or intensity, and are permissible only in one or more of the following  
16 circumstances.

17  
18 (1) To add or modify a use, provided that the proffered conditions do not  
19 specifically preclude such use and that the applicant demonstrates that  
20 the new use would have no greater land use impacts than the approved  
21 uses would in terms of parking, trip generation, vehicular circulation,  
22 or hours of operation.

23  
24 (2) To increase permitted building height provided that the resultant height  
25 increase does not:

26  
27 (a) exceed 15 feet or 15% of the approved building height, whichever  
28 is less;

29  
30 (b) cause the building to exceed the maximum height of the zoning  
31 district;

32  
33 (c) have a materially adverse impact on adjacent properties.

34  
35 (3) To modify proffered minimum yard dimensions, building setbacks or  
36 distances from peripheral lot lines shown on an approved development  
37 plan, but only if the modified dimensions would not have a materially  
38 adverse impact on adjacent properties or other proffered conditions.

39  
40 (4) To modify or delete, at the request of the property owner or owners'  
41 association, local community/HOA active or passive recreation uses  
42 shown on an approved development plan provided that any deletion or  
43 modification would not reduce the recreational uses or open space  
44 below the minimum required for the zoning district or otherwise  
45 required by the Zoning Ordinance.

46

- 1                   (5) To modify proffer commitments related to technologies (such as  
2 computer business centers) or services (such as transportation shuttles)  
3 that are underutilized or have become ineffective or obsolete as  
4 circumstances have changed.  
5
- 6                   (6) To modify architectural design, character, color, features, or materials  
7 for buildings and signs provided such modifications are of equivalent  
8 quality and do not have a materially adverse impact on adjacent  
9 properties.  
10
- 11                  B. When the Board approves a minor variation that affects an approved  
12 development plan, the variation is deemed to apply to the development plan  
13 and not require a separate development plan amendment.  
14
- 15                  C. Anyone making such a request to the Board must send notice in  
16 accordance with Virginia Code Sect. 15.2-2204(B).  
17
- 18                  D. The Board at its discretion may elect not to waive a public hearing under  
19 this section, in which case the application may be processed under Par. 6.  
20
- 21                  6. A request that cannot be accomplished as a minor modification or minor variation  
22 requires approval of a proffered condition amendment after a public hearing  
23 before the Board in accordance with Sect. 205 below.  
24
- 25                    A. An application for such an amendment may cover all or a portion of the  
26 property subject to proffered conditions, or it may request to add proffered  
27 conditions on a parcel not currently the subject of any proffered condition.  
28 In its review of a request that does not cover all of the property subject to  
29 proffered conditions, the Board should consider whether the request would  
30 have an adverse impact on the remainder of the property in terms of (a) the  
31 approved use, (b) fulfillment of proffered conditions, (c) vehicular and  
32 pedestrian circulation, connectivity, landscaping and streetscape, and (d)  
33 the approved density or intensity. After approval of an amendment, all other  
34 previously approved proffered conditions remain in full force and effect.  
35
- 36                    B. Any modification to a proffered condition to provide an accessibility  
37 improvement will be permitted and will not require approval of a proffered  
38 condition amendment.  
39
- 40                  7. The Zoning Administrator is vested with all necessary authority on behalf of the  
41 Board to administer and enforce proffered conditions. Such authority includes the  
42 ability to remedy, by written order, any noncompliance with a proffered condition  
43 and the ability to bring legal action to insure compliance, as provided for in Part  
44 9 of this Article.  
45  
46

1           8. Failure to meet or comply with any proffered condition is sufficient cause to deny  
 2 the approval of a subdivision plan or site plan, and the issuance of any permits,  
 3 including Building Permits and Residential and Non-Residential Use Permits, as  
 4 the Zoning Administrator may deem appropriate.

5  
 6           9. Any person aggrieved by a decision of the Zoning Administrator regarding any  
 7 proffered condition may appeal that decision to the Board. The appeal must be  
 8 filed within thirty (30) days from the date of the decision being appealed by filing  
 9 with the Clerk to the Board and the Zoning Administrator a notice of appeal  
 10 specifying the grounds on which aggrieved. The notice of appeal filed with the  
 11 Zoning Administrator must include a filing fee, as provided for in Sect. 106,  
 12 above.

13  
 14 **Amend Article 20, Ordinance Structure, Interpretations and Definitions, Part 2,**  
 15 **Interpretations, to add a new Par. 12, as follows:**

16           12. The term 'rezoning' means an amendment to the zoning map.

17  
 18  
 19 **Amend Article 20, Ordinance Structure, Interpretations and Definitions, Part 3, Definitions,**  
 20 **by amending the definition of FLOOR AREA, GROSS, as follows:**

21  
 22           FLOOR AREA, GROSS: The sum of the total horizontal areas of the several floors of all  
 23 buildings on a lot, measured from the interior faces of exterior walls. Gross floor area  
 24 shall include basements; elevator shafts and stairwells at each story; floor space used for  
 25 mechanical equipment with structural headroom of six (6) feet, six (6) inches or more;  
 26 penthouses, except as qualified below; attic space, whether or not a floor has actually  
 27 been laid, providing structural headroom of six (6) feet, six (6) inches or more; interior  
 28 balconies; and mezzanines.

29  
 30           Gross floor area shall not include cellars; outside balconies which do not exceed a  
 31 projection of six (6) feet beyond the exterior walls of the building; parking structures  
 32 below or above grade; rooftop mechanical equipment; ~~or~~ enclosed or structural walkways  
 33 designed and used exclusively for pedestrian access between buildings and/or parking  
 34 structures; and floor space created incidental to the replacement of an existing building  
 35 façade.