



# County of Fairfax, Virginia

## MEMORANDUM

**DATE:** February 17, 2021

**TO:** Fairfax County Planning Commission

**FROM:** Leslie B. Johnson, Zoning Administrator *LBJ*

**SUBJECT:** Strike-through and Underlined Edits to zMOD Public Hearing Draft

On January 19, 2021, staff published a revised zMOD Public Hearing Draft containing strike-through and underlined edits that incorporated additional changes and clarifications based on stakeholder feedback. Additional edits are included in the attached revised strike-through and underlined draft prepared in response to edits suggested during the Planning Commission public hearings and subsequent meetings, as well as other changes suggested in written testimony received. This memorandum provides a list of the edits and corresponding page numbers of changes that have been incorporated into the revised zMOD Public Hearing Annotated Draft dated February 17, 2021, included as Attachment 1. Text that has been deleted is shown with a ~~strike-through~~; text that has been added is shown with an underline. Although not included in the staff edits below because it is outside the scope of advertising, concerns have been expressed regarding potential impacts of home-based businesses on groundwater and drinking water if those residences are served by well and septic system. Septic systems are permitted through the Fairfax County Health Department and the Planning Commission may consider, as part of its motion, adding a standard, similar to that included for accessory living units, requiring Health Department approval prior to issuance of an administrative permit or special permit for a home-based business if the dwelling is served by well or septic system. This has been added to the advertisement for the Board of Supervisors public hearing.

Summary of Proposed Edits to Public Hearing Draft	
Location in Attached Annotated Draft	Proposed Edit
<b>Article 1 – General Provisions</b>	
No edits	
<b>Article 2 – Zoning Districts</b>	
Pages 16 - 108	<b>Lot and Building Dimensional Standards Tables:</b> Clarified that the standards applicable to “other uses” apply to other principal uses, and added a table note with a reference to the freestanding accessory structure regulations.



Pages 17 - 72	<b>Setback Relative to Height Tables:</b> Clarified that “other uses” means other principal uses.
Page 111 Lines 16 – 26	<b>Planned Districts:</b> During the Planning Commission’s question and answer session with staff, comments were provided that the existing standard found in Par. 1 of Sect. 16-102 be retained. A standard has been added for the bulk regulations at the peripheral boundaries to generally conform to those of the most similar conventional district. The references to landscaping and screening are not carried forward because transitional screening is based on the use and applies regardless of the district.
Page 126	<b>PRM District:</b> Replaced one of the example photographs.
Pages 130 – 131	<b>PTC District:</b> Replaced the aerial and example photographs.
<b>Article 3 – Overlay and Commercial Revitalization Districts</b>	
No edits	
<b>Article 4 – Use Regulations</b>	
Page 307 Lines 14 – 26	<b>Flags and Flagpoles:</b> Additional edits have been made to the subsection on flags and flagpoles. Manufactured homes have been included with the regulations for single-family dwellings. It has been clarified that the five-foot front setback applies whether the pole is freestanding or attached to a structure. The definition in Article 9 has been relocated from the signs sub-definition to the general terms subsection, and “attachable” has been replaced with “attached.” In Appendix 1, a subsection has been added that existing flags and flagpoles may remain, but ones that are new or replaced must comply with the Ordinance.
Page 633 Lines 1 – 4	
Page 693 Lines 17 – 18	
Page 311 Lines 8 – 13	<b>Caretaker Quarters:</b> Revised the standard for recording the approval with the land records to match the standard for accessory living units.
Page 336 Line 18	<b>Special Event for Seasonal Sales:</b> Included a reference to the current NonRUP fee, consistent with current practice.
<b>Article 5 – Development Standards</b>	
No edits	
<b>Article 6 – Parking and Loading</b>	
No edits	
<b>Article 7 - Signs</b>	
No edits	
<b>Article 8 – Administration, Procedures, and Enforcement</b>	
No edits	
<b>Article 9 – Definitions and Ordinance Interpretations</b>	
Page 662 Line 33	<b>Independent Living Facility:</b> Removed the indication that the development would only be “primarily limited to” persons who qualify for age-related exemptions since some facilities are entirely age restricted.

<b>Appendix 1 – Provisions Relating to Previous Approvals</b>	
Page 693 Lines 3 – 4	<b>Subsection D:</b> Deleted cross-reference to subsections A and B and change in ownership language as unnecessary.
<b>Throughout Ordinance</b>	
<b>Chairperson:</b> Corrected inconsistencies and referred to “chairperson” throughout.	
<b>Grandfathering:</b> Removed the term “grandfathered.”	
<b>State Code References:</b> The State Code references have been reviewed and in certain cases the specific section citation has been corrected or replaced with a general reference to state law.	

If you have any additional questions, please contact Carmen Bishop and Casey Judge at 703-324-1314 or [DPDzMODComments@fairfaxcounty.gov](mailto:DPDzMODComments@fairfaxcounty.gov).

**ATTACHMENT:**

Attachment 1: [zMOD Public Hearing Draft with Strike-through and Underlined Edits](#)

cc: Fairfax County Board of Supervisors  
Bryan J. Hill, County Executive  
Rachel Flynn, Deputy County Executive  
Barbara Byron, Director, Department of Planning and Development  
Jill Cooper, Director, Clerk Services