PROPOSED COUNTY CODE AMENDMENT

Proposed Changes to Chapter 61 (Building Provisions); Chapter 101 (Subdivision Provisions); Chapter 108.1 (Noise Ordinance); Chapter 109.1 (Solid Waste Management); Chapter 114 (Agricultural and Forestal Districts of Statewide Significance); and Chapter 115 (Local Agricultural and Forestal Districts) of The Code of the County of Fairfax

PUBLIC HEARING DATES

Planning Commission
July 25, 2019 at 7:30 p.m.

Board of Supervisors
July 30, 2019 at 4:30 p.m.

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

June 25, 2019

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

Background
Effective July 1, 2019, the Department of Planning and Zoning (DPZ) will be renamed to the Department of Planning and Development (DPD). A related Zoning Ordinance Amendment is scheduled to be adopted by the Board on the afternoon of June 25, 2019 to facilitate the agency name change throughout the Zoning Ordinance, also known as Chapter 112 of The Code of the County of Fairfax (the Code). The changes proposed in this staff report will facilitate the agency name change in the affected chapters of the Code.

Current Provisions and Proposed Changes
Because the affected department name is referenced in several places in the Code, changes are needed to Chapter 61 (Building Provisions), Chapter 101 (Subdivision Provisions), Chapter 108.1 (Noise Ordinance), Chapter 109.1 (Solid Waste Management), Chapter 114 (Agricultural and Forestal Districts of Statewide Significance); and Chapter 115 (Local Agricultural and Forestal Districts). The change from “Zoning” to “Development” in the agency name is self-explanatory in each of the affected provisions found as Attachment A to this staff report. In Section 61-1-2 of Chapter 61, the reference to the Department of Planning and Zoning is included, in an unnecessary provision regarding the effective date of a previous amendment, therefore this entire sentence will be struck. Other than these changes related to the name of the Department, no other changes are proposed as part of this amendment.

Chapters 114 and 115 of the Code provide the framework for each of the 7 Statewide Agricultural and Forestal (A&F) Districts (Appendix E of the Code) and the 73 Local A&F Districts (Appendix F of the Code.) Within these 80 separate A&F District documents, there are references to the Department of Planning and Zoning and, in some cases, the former name of the Office of Comprehensive Planning occurs in 33 different A&F Districts. Rather than go through the extensive process of amending each document governing the individual A&F Districts, which requires landowner consent and Board approval for each, staff proposes to address the agency name change in Chapters 114 and 115 in a generic manner.

In Chapter 114, the amendment would add a provision to Section 114-2-1, District Ordinances, to specify that any references to the “Department of Planning and Zoning,” “DPZ,” “Office of Comprehensive Planning,” or “OCP” are deemed to mean the “Department of Planning and Development” or “DPD” on or after July 1, 2019. In Chapter 115, Section 115-9-1, District Ordinances, would be changed to specify that any references to the “Department of Planning and Zoning” or “DPZ” are deemed to mean the “Department of Planning and Development” or “DPD” on or after July 1, 2019.

Staff notes that only the changes within Chapter 101 (Subdivision Provisions) and Chapter 115 (Local Agricultural and Forestal Districts) require a review and recommendation by the Planning Commission. Board of Supervisors’ review and action is required for each of the chapters being amended.
**Conclusion**
The proposed amendment updates the relevant chapters of the Code to reflect the agency name change from the Department of Planning and Zoning to the Department of Planning and Development. Staff recommends adoption of the proposed amendment with an effective date of 12:01 a.m. on the day following adoption.

**Attachment**
A. Changes to Chapters 61, 101, 108.1, 109.1, 114 and 115 of *The Code of County of Fairfax*
Amend Article 1, Administration and Standards, to revise Sect. 61-1-2, Definitions, to read as follows:

For the purposes of this Chapter and the USBC, as amended, unless the context shall otherwise clearly require, the following words and phrases shall have the meanings respectively ascribed to them by this Section:

Property Maintenance Code Official for existing residential and nonresidential buildings and structures shall mean the Director of the Department of Code Compliance or his duly authorized representative; being charged with the administration and enforcement of the property maintenance provisions of the USBC for such properties. (Please note that the revisions to this paragraph referencing the Department of Planning and Zoning become effective January 1, 2007; The Director of the Fairfax County Health Department remains the property maintenance official for residential properties until that date. The Building Official is and will remain responsible for the administration and enforcement of the property maintenance provisions of the USBC for nonresidential buildings.)

Amend Article 2, Fairfax County Board of Building and Fire Prevention Code Appeals, to revise Sect. 61-2-3, Membership of Board, to read as follows:

No official, technical assistant, inspector or other employee of the Departments of Public Works and Environmental Services, Land Development Services, Planning and Zoning Development, or Fire and Rescue shall serve as a member of the Board.
PROPOSED AMENDMENTS TO CHAPTER 101 (SUBDIVISION PROVISIONS) OF THE CODE OF THE COUNTY OF FAIRFAX, VIRGINIA

Amend Article 3, Pro Rata Road Reimbursement Districts, as follows:

- Amend Par. (a) of Sect. 101-3-9, Adoption of Pro Rata Road Reimbursement Districts, to read as follows:

  (a) Upon receipt of a petition requesting the establishment of a Pro Rata Road Reimbursement District including all submission requirements, staff of the Department of Transportation will evaluate the request, assisted by staff of Land Development Services, the Department of Planning and Zoning Development and such other staff as may be necessary.

- Amend Par. (g) of Sect. 101-3-11, Payment of pro rata road reimbursements, to read as follows:

  (g) In order to be entitled to continue to receive pro rata road reimbursement payments, the initial subdivider or developer must give written notice by certified mail to the Directors of Land Development Services and the Department of Planning and Zoning Development of any change in his mailing or street addresses from the date of adoption of the District. If the initial subdivider or developer has designated an agent for the purposes of receiving pro rata road reimbursement payments and signing notarized certifications pursuant to paragraph (b) above, then either the agent or the initial subdivider or developer must give such written notice of any change in the mailing or street addresses of the agent from the date of adoption of the District. Failure to give the written notice as required herein within 30 days of such change may cause the initial subdivider or developer to forfeit pro rata road reimbursement payments collected or due after such change. (13-93-101, § 1; 37-00-101; 23-17-101.)
Amend Article 2, Definitions, by revising Par. (a)(6) of Sect. 108.1-2-1, Definitions, to read as follows:

(a) The following words and phrases, when used in this Chapter, shall for the purposes of this Chapter, have the meanings respectively ascribed to them in this Section, except in those situations where the context clearly indicates a different meaning:

(Retain Subparagraphs 1 through 5)

(6) Director shall mean the Director of the Fairfax County Department of Planning and Zoning Development or his/her duly authorized agent.

Amend Article 3, Administration, Penalties and Authority and Duties, by revising section title of Sect. 108.1-3-3, Authority and duties of the Director of Planning and Zoning, to read as follows:

Authority and duties of the Director of Planning and Zoning Development.
PROPOSED AMENDMENTS TO
CHAPTER 109.1 (SOLID WASTE MANAGEMENT) OF THE
CODE OF THE COUNTY OF FAIRFAX, VIRGINIA

Amend Article 1, General Requirements, by revising Par. (a) of Sect. 109.1-1-3, Statement of Policy and Administration, to read as follows:

(a) The Director shall be responsible for the administration and enforcement of this Chapter. Fairfax County Departments that shall assist in enforcing this Chapter, in cooperation with the Director, include but are not limited to, the Health Department, the Police Department, the Fire and Rescue Department, the Department of Planning and Zoning Development, the Department of Code Compliance, and the Park Authority.
PROPOSED AMENDMENTS TO
CHAPTER 114 (AGRICULTURAL AND FORESTAL DISTRICTS
OF STATEWIDE SIGNIFICANCE)
OF THE CODE OF THE COUNTY OF FAIRFAX, VIRGINIA

Amend Article 2, Districts Established Under this Chapter, to read as follows:

Section 114-2-1. – District ordinances.

Ordinances establishing specific agricultural and forestal districts of statewide significance are listed in Appendix E. (12-83-114.) Any references to the Office of Comprehensive Planning, OCP, the Department of Planning and Zoning, or DPZ are deemed to mean the Department of Planning and Development or DPD, on or after July 1, 2019.
Amend Article 9, Districts Established Under This Chapter, to read as follows:

Section 115-9-1. – District ordinances.

Ordinances establishing specific local agricultural and forestal districts are listed as Appendix F. (13-83-115.) Any references to the Department of Planning and Zoning, or DPZ are deemed to mean the Department of Planning and Development or DPD, on or after July 1, 2019.