

ARTICLE 10

ACCESSORY USES, ACCESSORY SERVICE USES AND HOME OCCUPATIONS

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ARTICLE 10

ACCESSORY USES, ACCESSORY SERVICE USES AND HOME OCCUPATIONS

PART 1 10-100 ACCESSORY USES AND STRUCTURES

10-101 Authorization

Accessory uses and structures are permitted in any zoning district, unless qualified below, but only in connection with, incidental to, and on the same lot with a principal use or structure which is permitted within such district.

10-102 Permitted Accessory Uses

Accessory uses and structures may include, but are not limited to, the following uses and structures; any such use or structure must be in accordance with the definition of Accessory Use contained in Article 20.

1. Amusement machines, but only accessory to restaurants, motels, hotels, bowling alleys, skating facilities, and establishments for billiards, ping pong, indoor archery, and other indoor games of skill, and retail sales establishments with greater than 5000 square feet of floor area open to the general public.
2. Antenna structures and solar collections systems.
3. Barns and any other structures that are customarily incidental to an agricultural use, but only in the R-A through R-1 Districts on a tract of land not less than five (5) acres; provided, however, a stable or other structure for livestock or domestic fowl may be permitted on a lot of less than five (5) acres where such livestock or domestic fowl are kept in accordance with the provisions of Sect. 2-512 or Sect. 8-917. In no instance shall such structures be used for retail sales except as may be permitted for a plant nursery by the provisions of Part 5 of Article 9.
4. Carports.
5. Child's playhouse and play equipment.
6. Doghouses, runs, pens, rabbit hutches, cages, and other similar structures for the housing of commonly accepted pets, but not including kennels as defined in Article 20.
7. Fallout shelters.
8. Garages, private.
9. Garage and yard sales, in R districts and in the residential portion of a P district, are permitted not more than twice in any one calendar year and are limited to the sale of typical household and personal items that have not been specifically purchased, produced, refurbished, or fabricated for resale.

10. Gardening primarily for the growth of herbs, fruits, vegetables, flowers and ornamental plantings but not including landscaping as defined in Article 20, and composting.
11. Guest house or rooms for guests in an accessory structure, but only in the R-A through R-E Districts, and provided such house is without kitchen facilities and is used for the occasional housing of guests of the occupants of the principal structure, and not as rental units or for permanent occupancy as housekeeping units.
12. Home child care facilities.
13. Inoperative motor vehicles, as defined in Chapter 110 of The Code, provided such vehicles are kept within a fully enclosed building or structure or are kept completely screened or shielded from view in accordance with Chapter 110 of The Code.
14. Motor vehicle fuel storage tanks in the C and I districts and in R districts when accessory to a use other than a dwelling.
15. Parking and loading spaces, off-street, as regulated by Article 11.
16. Parking of one (1) commercial vehicle per dwelling unit in an R district subject to the following limitations:
 - A. Any commercial vehicle parked in an R district shall be owned and/or operated only by the occupant of the dwelling unit at which it is parked.
 - B. The following commercial vehicles shall be prohibited from parking in an R district:
 - (1) Food trucks, solid waste collection vehicles, tractors and/or trailers of tractor-trailers, dump trucks, construction equipment, cement-mixer trucks, and towing and recovery vehicles;
 - (2) Vehicles, including any appurtenances attached to the vehicle, that are greater than twenty-one (21) feet in length, eight (8) feet in height, or eight and a half (8 ½) feet in width;
 - (3) Vehicles carrying commercial freight in plain view;
 - (4) Trailers used for transporting equipment whether attached or unattached to another vehicle;
 - (5) Vehicles with three (3) or more axles; or
 - (6) Vehicles or equipment that are similar to Paragraphs (1) through (5) above.
17. Porches, gazebos, belvederes and similar structures.
18. Quarters of a caretaker, watchman or tenant farmer, and his family, but only in the R-A through R-E Districts on a parcel of twenty (20) acres or more.

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19. Recreation, storage and service structures in a mobile home park.
20. Residence for a proprietor or storekeeper and his/her family located in the same building as his/her place of occupation and a residence for an employee and his/her family located within the same building as a funeral home or chapel.
21. Servants quarters, but only in the R-A through R-4 Districts on a lot of two (2) acres or more. Servants quarters located in a structure detached from the principal dwelling shall comply with the applicable zoning district bulk regulations for single family dwellings.
22. Signs, as permitted by Article 12.
23. Statues, arbors, trellises, clotheslines, barbeque stoves, flagpoles, fences, walls and hedges, gates and gateposts, and basketball standards to include rim, net and backboard.
24. Storage, outdoor, in R districts, provided such storage is located on the rear half of the lot, is screened from the view from the first story window of any neighboring dwelling, and the total area for such outdoor storage does not occupy more than 100 square feet. In C or I districts, where permitted by zoning district regulations and Sect. 2-504, outdoor storage, junk, scrap and refuse piles are limited to that area designated on an approved site plan, except that 500 square feet of accessory outdoor storage and display in accordance with Sect. 17-104 may be permitted without site plan approval.
25. Storage structure, incidental to a permitted use, provided no such structure that is accessory to a single family detached or attached dwelling in the R-2 through R-20 Districts shall exceed 200 square feet in gross floor area.
26. Swimming pool and bathhouse, private.
27. Temporary family health care structures are permitted on lots zoned for and developed with single family detached dwellings, subject to the approval of the Zoning Administrator by issuance of a permit and compliance with the following provisions:
 - A. Occupancy of a temporary family health care structure shall be limited to one (1) mentally or physically impaired person, who is a Virginia resident and requires assistance with two (2) or more daily living activities as defined in Sect. 63.2-2200 of the *Code of Virginia*, or, in the case of a married couple, two (2) occupants, one (1) of whom is mentally or physically impaired and the other requires assistance with one (1) or more daily living activities.
 - B. The property on which the temporary family health care structure will be located shall be owned or occupied by an adult caregiver who provides care for a mentally or physically impaired person and the property shall be used as the caregiver's primary residence. The adult caregiver shall be related by blood, marriage, or adoption to or the legally appointed guardian of the physically or mentally impaired person(s) occupying the temporary family health care structure.
 - C. Only one (1) temporary family health care structure shall be permitted on a lot.

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- D. Temporary family health care structures shall be limited to a maximum of 300 square feet of gross floor area and shall meet the minimum yard requirements for single family detached dwellings of the zoning district in which located. When located in a P district, the temporary family health care structure shall be subject to any proffered yards and/or yards depicted on an approved development plan. If there are no proffered yards or yards depicted on an approved development plan in a P district, the temporary family health care structure shall be deemed an alteration to a single family dwelling unit and subject to Par. 6 of 16-403.
- E. Temporary family health care structures shall not be installed on a permanent foundation.
- F. Temporary family health care structures shall be subject to the Industrialized Building Safety Law and the Virginia Uniform Statewide Building Code.
- G. Temporary family health care structures may be required to connect to any water, sewer, and electric utilities that are serving the principal residence on the property, and shall comply with all applicable Health Department requirements.
- H. No signs are allowed for a temporary family health care structure.
- I. The following shall be submitted to the Zoning Administrator with any application for a temporary family health care structure:
 - (1) The name and contact information of the proposed caregiver, and the relationship of the caregiver to the physically or mentally impaired proposed occupant.
 - (2) Address of the property.
 - (3) Written certification of physical or mental impairment of the proposed occupant, including verification that the person requires assistance with two or more activities of daily living as defined in Sect. 63.2-2200 of the *Code of Virginia*, by a physician licensed in the Commonwealth of Virginia.
 - (4) Written certification by a physician licensed in the Commonwealth of Virginia that the spouse of the mentally or physically impaired person also requires assistance with one or more activities of daily living as defined in Sect. 63.2-2200 of the *Code of Virginia*.
 - (5) Three copies of a plat drawn to a designated scale of not less than one inch equals fifty feet (1" = 50'), which may be prepared by the applicant, and shall contain the following information:
 - (a) The dimensions of the lot, the boundary lines thereof, and the area of land contained therein;

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- (b) The dimensions, height and distance to all lot lines of any existing structure on the lot and of the proposed temporary family health care structure; and
 - (c) The signature and certification number, if applicable, of the person preparing the plat.
 - (6) A filing fee of \$100 made payable to the County of Fairfax.
 - J. The caregiver shall make provisions to allow inspections of the property by County personnel during reasonable hours upon prior notice.
 - K. Evidence of compliance with these provisions shall be provided to the Zoning Administrator on an annual basis.
 - L. Temporary family health care structures shall be removed from the property within sixty (60) days from the date on which the structure was last occupied by a mentally or physically impaired person receiving services or in need of the assistance provided for by the caregiver.
 - M. A permit for a temporary health care structure may be revoked by the Zoning Administrator due to failure of the applicant to comply with any of the above provisions.
- 28. Temporary portable storage containers are allowed in any yard on lots containing a dwelling, subject to all of the following:
 - A. On lots developed with single family detached dwellings:
 - (1) Temporary portable storage containers shall be permitted on a lot containing 36,000 square feet or less for a period not to exceed 30 consecutive days within a 6 month period. On lots that are greater than 36,000 square feet, temporary portable storage containers shall be permitted for a period not to exceed 60 consecutive days within a 6 month period. However, in cases where a dwelling unit has been damaged by casualty, a temporary portable storage container may be allowed for longer time periods than indicated above in accordance with Part 8 of Article 8.
 - (2) Temporary portable storage containers shall not exceed a cumulative gross floor area of 130 square feet.
 - B. On lots developed with single family attached or multiple family dwellings:
 - (1) Temporary portable storage containers shall be permitted for a period not to exceed seven (7) consecutive days within a six (6) month period, however, in cases where a dwelling has been damaged by casualty, a longer period may be permitted in accordance with Part 8 of Article 8.
 - (2) Temporary portable storage containers shall not exceed a cumulative gross floor area of 130 square feet for each dwelling unit.

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- C. Temporary portable storage containers shall not exceed eight and one-half (8½) feet in height.
 - D. Temporary portable storage containers shall not be located in any required open space, landscaped area, on any street, sidewalk or trail, or in any location that blocks or interferes with any vehicular and/or pedestrian circulation, and shall be located in accordance with all applicable building and fire code regulations for the purpose of ensuring safe ingress and egress to dwellings, access to utility shut-off valves, and for fire protection. Such containers shall also be subject to the sight distance provisions of Sect. 2-505.
29. Tennis, basketball or volleyball court, and other similar private outdoor recreation uses.
30. Wayside stands, but subject to the following limitations:
- A. Shall be permitted only in the R-A through R-4 Districts, on a lot containing at least two (2) acres.
 - B. Structures shall not exceed 400 square feet in gross floor area.
 - C. Shall be permitted only during crop-growing season, and such structures shall be removed except during such season.
 - D. Shall be for the expressed purpose of sale of agricultural products grown on the same property, or the sale of products of approved home occupations conducted on the same property. For the purpose of this Ordinance, plants which are balled, burlapped and bedded shall not be considered as growing on the same property.
 - E. Shall not be subject to the location requirements set forth in Sect. 104 below, but shall be located a minimum distance of twenty-five (25) feet from any lot line.
 - F. Shall be located so as to provide for adequate off-street parking spaces and safe ingress and egress to the adjacent street.
31. The keeping of animals in accordance with the provisions of Sect. 2-512.
32. Child care centers for occasional care, only when located within the main structure of a regional or super-regional shopping center.
33. Food trucks, as regulated by Sect. 2-510.
34. Donation drop-off boxes, but subject to the following:
- A. Donation drop-off boxes are permitted:
 - (1) In the C-5 through C-8 districts on a lot containing not less than 40,000 square feet;

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- (2) In the commercial area of a P district, when ancillary to the principal use and only when shown on an approved development plan;
- (3) In the R district where the principal use of the development is not residential; or
- (4) When the donation drop-off box is specifically identified on an approved development plan that is approved in conjunction with (i) an approval by the BZA of a special permit for another use or (ii) an approval by the Board of a proffered rezoning or a special exception for another use.

The owner or operator of the donation drop-off box shall obtain written permission from the property owner, lessee, or their authorized agent to place the donation drop-off box on the property. When requested by Fairfax County, the property owner, lessee, donation drop-off box operator or owner, or their authorized agent shall make such written consent available for review.

- B. A maximum of two (2) donation drop-off boxes shall be permitted on any one (1) lot and shall be located within a contiguous area of not more than 120 square feet, with no individual drop-off box exceeding the dimensions of seven (7) feet in height, six (6) feet in width or six (6) feet in length.
- C. Donation drop-off boxes shall be permitted in any yard except the minimum required front yard and shall be screened from view from the first-story window of any neighboring dwelling.
- D. Donation drop-off boxes shall not be located in any required open space, transitional screening yard, landscaped area, on any private street, sidewalk or trail, in any required parking space, or in any location that blocks or interferes with vehicular and/or pedestrian circulation. Donation drop-off boxes shall be located in accordance with all applicable building and fire code regulations for the purpose of ensuring safe ingress and egress, access to utility shut-off valves, and for fire protection. Such containers shall also be subject to the sight distance provisions of Sect. 2-505.
- E. Donation drop-off boxes shall be weather-proof, constructed of painted metal, plastic, or other similarly noncombustible material, properly maintained in good repair and in a manner that complies with all applicable Building Code and Fire Code regulations, and secured from unauthorized access.
- F. All donated items shall be collected and stored in the donation drop-off box which shall be emptied as needed or within 48 hours of a request by the property owner or authorized agent. Items and materials including trash shall not be located outside or in proximity to a donation drop-off box for more than 24 hours and shall be removed by the property owner, operator of the donation drop-off box or their authorized agent.
- G. Donation drop-off boxes shall display the following information in a permanent and legible format that is clearly visible from the front of the container:

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- (1) The specific items and materials requested;
- (2) The name of the operator or owner of the container;
- (3) The entity responsible for the maintenance of the container and the removal of donated items, including any abandoned materials and trash located outside the donation drop-off box;
- (4) A telephone number where the owner, operator or agent of the owner or operator may be reached at any time.
- (5) A notice stating that no items or materials shall be left outside of the donation drop-off box and the statement, "Not for refuse disposal. Liquids are prohibited."

35. Short-Term Lodging, limited by the provisions of Sect. 105 below.

10-103

Use Limitations

1. No accessory structure shall be occupied or utilized unless the principal structure to which it is accessory is occupied or utilized.
2. All accessory uses and structures shall comply with the use limitations applicable in the zoning district in which located.
3. The following limitations on coverage of the minimum required rear yard apply to any lot developed with a single family detached dwelling:
 - A. All accessory structures and uses may cumulatively cover no more than:
 - (1) 30 percent of the minimum required rear yard on any lot located in an R District; or
 - (2) 50 percent of the minimum required rear yard on any lot located in a P District and containing more than 5,000 square feet of land area, unless otherwise specified on an approved development plan or in a proffered or development condition, or 75 percent of the minimum required rear yard for lots containing no more than 5,000 square feet of land area, unless otherwise specified on an approved development plan or in a proffered or development condition.
 - B. The minimum required rear yard coverage includes the following:
 - (1) Any fully or partially roofed freestanding accessory structure, such as a garage, shed, gazebo, and other similar structure, including any horizontal projection (Reference Plate 1 of Illustration 6 in Appendix 2);
 - (2) Any other freestanding accessory structure, including any children's play equipment, sports court, pool and associated decking, and any other similar structure measured around the perimeter of the outermost horizontal

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(2) acres or less in area, located within a subdivision as defined in Chapter 101 of The Code, The Subdivision Ordinance.

6. The following use limitations apply to home child care facilities:
 - A. The maximum number of children permitted at any one time shall be as follows:
 - (1) Seven (7) when such facility is located in a single family detached dwelling.
 - (2) Five (5) when such facility is located in a single family attached, multiple family or mobile home dwelling.

The maximum number of children specified above shall not include the provider's own children.

- B. A home child care facility shall be operated by the licensed or permitted home child care provider within the dwelling that is the primary residence of such provider, and except for emergency situations, such provider shall be on the premises while the home child care facility is in operation. Notwithstanding the above, a substitute care provider may operate a home child care facility in the absence of the provider for a maximum of 240 hours per calendar year.
- C. There shall be no exterior evidence, including signs, that the property is used in any way other than as a dwelling, except that play equipment and other accessory uses and structures permitted by this Part shall be allowed.
- D. In addition to the persons who use the dwelling as their primary residence, one (1) nonresident person, whether paid or not for their services, may be involved in the home child care use on the property, provided that there is only one (1) such person on the property at any one time and the hours of such attendance shall be limited to 7:00 AM to 6:00 PM, Monday through Friday.
- E. Notwithstanding the provisions of Par. B above, a child care provider may care for the maximum number of children permitted in Par. A above in a dwelling other than the provider's own, as long as the dwelling is the primary residence of at least one of the children being cared for by the provider. Such child care provider shall comprise the one nonresident person allowed under Par. D above.

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- F. An increase in the number of children permitted under Par. A above or the involvement of more than one nonresident person or an extension of the hours of attendance of such nonresident person as provided for under Par. D above may be permitted in accordance with the provisions of Part 3 of Article 8.

10-104 Location Regulations

- 1. If an accessory-type building is attached to a principal building by any wall or roof construction, it shall be deemed to be a part of the principal building and shall comply in all respects with the requirements of this Ordinance applicable to a principal building, except as qualified in Sect. 2-412.
- 2. The required minimum yards referenced in this Section shall refer to the minimum yards in the applicable zoning district for the principal building(s) with which the accessory-type building is associated.
- 3. Except as may be qualified by Sect. 2-505, a fence or wall may be located as follows. Such regulations shall not be deemed to negate the screening requirements of Article 13.
 - A. In any yard on any lot containing not less than two (2) acres located in the R-A through R-1 Districts, a fence or wall not exceeding seven (7) feet in height is permitted.
 - B. In any front yard on any lot, a fence or wall not exceeding four (4) feet in height is permitted. However, in that portion of a front yard on a residential corner lot that abuts a major thoroughfare, a solid wood or masonry fence or wall not exceeding eight (8) feet in height, located flush to the ground, may be permitted, provided that:
 - (1) the driveway entrance to the lot is from a street other than the major thoroughfare and the principal entrance of the dwelling faces a street other than the major thoroughfare, and
 - (2) the lot is not contiguous to a lot which has its only driveway entrance from the major thoroughfare or service drive adjacent to the major thoroughfare.

The fence shall not extend into the front yard between the dwelling and the street other than the major thoroughfare and shall also be subject to the provisions of Sect. 2-505.

In addition, an increase in fence height in the front yard up to six (6) feet may be permitted with the approval of a special permit by the BZA in accordance with Part 9 of Article 8.

- C. In any side or rear yard on any lot, a fence or wall not exceeding seven (7) feet in height is permitted. However, a solid wood or masonry wall not exceeding eight (8) feet in height, located flush to the ground, is permitted:
 - (1) In any side or rear yard of a reverse frontage lot; or

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- (2) For that portion of a side or rear yard of a residential lot where the side or rear lot line is within 150 feet of a major thoroughfare and abuts common or dedicated open space, where such open space is located between the lot line and the major thoroughfare.
- D. In any yard of an industrial use permitted by the provisions of this Ordinance, a fence or wall not exceeding eight (8) feet in height is permitted.
- E. Notwithstanding the above provisions, a fence or wall which is an integral part of any accessory use, such as a tennis court or swimming pool, shall be subject to the location regulations of Par. 12 below. However, a modification to the location regulations may be permitted with approval of a special permit by the BZA in accordance with Part 9 of Article 8, or by the Board of Supervisors in conjunction with the approval of a rezoning or a special exception in accordance with Part 6 of Article 9 for containment structures associated with outdoor recreation/sports facility playing fields/courts and golf courses that are not constructed in association with a privately used playing field/court on a lot containing a single family dwelling.
- F. In addition, for noise barriers which reduce adverse impacts of highway noise on properties located adjacent to major thoroughfares, or which reduce noise impacts of commercial and industrial uses on adjacent properties, an increase in height and/or modification to the corresponding location regulations set forth above may be permitted with approval of a special permit by the Board of Zoning Appeals in accordance with Part 9 of Article 8, or by the Board of Supervisors in conjunction with the approval of a proffered rezoning or a special exception in accordance with the following:
 - (1) A noise impact study shall be submitted with the application. The study shall demonstrate the need for such a barrier and the level of mitigation to be achieved, and shall include the height of the barrier, the proposed location of the barrier on the property, the acoustical design and structural features of the barrier, the type of building materials to be used in construction of the barrier and the proposed measures to mitigate any visual impacts of the barrier on adjacent property, to include the location and design of the barrier, use of berming and landscaping.
 - (2) The Board shall determine that the proposed height and location of the noise barrier are necessary in order to achieve mitigation of the noise and that the noise barrier will not adversely impact the use or development of surrounding properties.
 - (3) Before establishment, the noise barrier shall be subject to the provisions of Article 17, Site Plans or other appropriate submission as determined by the Director.
- G. Notwithstanding the above, a fence or wall which is to be provided in conjunction with a public use may be of such height and location as approved by the Board.

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- H. In addition, the Board may approve in conjunction with a proffered rezoning or a special exception for another use, or the BZA in conjunction with a special permit for another use, an increase in fence and/or wall height and/or modification to the corresponding location regulations set forth above, and/or an increase in gate and/or gate post height and/or modification to the corresponding location regulations set forth in Par. 4 of Sect. 10-104 below in accordance with the following:
- (1) In order to show the visual impact of the fence, wall, gate and/or gate post on nearby properties, the height, location, color and materials of the proposed fence, wall, gate and/or gate post and any associated berming or landscaping shall be submitted with the application.
 - (2) The Board/BZA shall determine that the proposed fence, wall, gate and/or gate post is in character with the existing development on the site, is harmonious with the surrounding development, and will not adversely impact the use and/or enjoyment of any nearby property. The Board/BZA may impose such conditions as it deems necessary to satisfy this criteria.
- I. Notwithstanding the above, the Zoning Administrator shall have the authority to approve up to a five (5) percent increase in fence and/or wall height for an existing fence and/or wall in any yard which does not comply with the requirements set forth above. This provision shall not be applicable to such fences and/or walls that are subject to height increases pursuant to Sect. 8-923. Such an increase may be approved by the Zoning Administrator in accordance with all of the following:
- (1) The sight distance requirements of Sect. 2-505 shall be met.
 - (2) The increase in fence and/or wall height is due to variations in topography on the site or of the fence materials.
 - (3) Any existing noncompliance was done in good faith and through no fault of the property owner.
 - (4) Such fence and/or wall height increase shall not be detrimental to the use and enjoyment of the other properties in the immediate vicinity.
 - (5) All such requests shall be accompanied by illustrations supporting the need for the height increase and identifying the location(s) for which the relief is sought.
- J. Notwithstanding the above provisions, posts, not wider than six (6) inches by six (6) inches, finials, post caps, lighting fixtures, or similar decorative features as determined by the Zoning Administrator, may exceed the maximum height of any fence and/or wall by not more than nine (9) inches provided such features are spaced an average distance of not less than six (6) feet apart and a minimum distance of not less than three (3) feet apart. In addition, all other applicable provisions of this Ordinance shall be met, including the outdoor lighting provisions of Part 9 of Article 14.

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4. Trellises, gates and gate posts may be located within any required minimum front yard as follows:
 - A. Two (2) trellises, not to exceed eight (8) feet in height nor four (4) feet in width.
 - B. Four (4) gate posts without limit as to height or width.
 - C. Two (2) gates not to exceed eight (8) feet in height.
 - D. Gates and gate posts exceeding four (4) feet in height shall not exceed in maximum width fifteen (15) percent of the lot width.
5. Ground-supported antenna structures for the operation of personal or amateur radio facilities under Parts 95 and 97 of the Federal Communications Commission regulations may be permitted in any R district as follows:
 - A. Structures seventy-five (75) feet or less in height shall not be located closer to any lot line than a distance equal to one-fifth (1/5) of their height.
 - B. Structures greater than seventy-five (75) feet in height shall not be located closer to any lot line than a distance equal to their height.
6. Off-street parking and loading spaces shall be located in accordance with the provisions of Article 11.
7. Signs shall be located in accordance with the provisions of Article 12.
8. Wayside stands shall be located in accordance with the provisions of Par. 30 of Sect. 102 above.
9. The following regulations shall apply to the location of structures for the housing of animals:
 - A. Barns and other structures used in connection with agriculture, to include structures for the keeping, confining or sheltering of any poultry or livestock, except horses and ponies, shall be located no closer than 100 feet to any lot line. Additional provisions governing the location of hog pens are set forth in Chapter 41.1 of The Code.
 - B. Barns and other structures used for the confining or sheltering of livestock and domestic fowl, as permitted by the provisions of Sect. 2-512, shall be located no closer than fifty (50) feet to any lot line; provided, however, that any such structure used for the confining or sheltering of horses and ponies as permitted by Sect. 2-512 or in connection with agriculture shall be located no closer than forty (40) feet to any front or side lot line nor closer than twenty (20) feet to a rear lot line.
 - C. Cages, lofts, hives, pens and other structures which are seven (7) feet or less in height and which are used for the keeping of homing, racing, or exhibition (fancy) pigeons or honeybees shall be located no closer than three (3) feet to any lot line.

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Any such structure which exceeds seven (7) feet in height shall be located in accordance with the provisions set forth in Par. 12 below.

- D. Doghouses, runs, pens, rabbit hutches, cages and other similar structures for the housing of dogs and other commonly accepted pets shall be located in accordance with the provisions set forth in Par. 12 below, except in no instance shall a structure, run or pen for three (3) or more dogs be located closer than twenty-five (25) feet to any lot line.

The BZA may approve a modification to the location regulations set forth in this Paragraph in accordance with the provisions of Part 9 of Article 8.

- 10. The following regulations shall apply to the location of freestanding accessory storage structures:
 - A. For purposes of determining height, the height of an accessory storage structure shall be measured in accordance with Par. 4 of Sect. 10-103 above.
 - B. An accessory storage structure shall not be located (a) in any minimum required front yard on any lot or (b) in any front yard on any lot containing 36,000 square feet or less.
 - C. An accessory storage structure which does not exceed eight and one-half (8 ½) feet in height may be located in any part of any side yard or rear yard, except as qualified in Sect. 2-505.
 - D. An accessory storage structure which exceeds eight and one-half (8 ½) feet in height shall not be located in any part of any minimum required side yard.
 - E. An accessory storage structure which exceeds eight and one-half (8 ½) feet in height shall not be located closer than a distance equal to its height to the rear lot line or located closer than a distance equal to the minimum required side yard to the side lot line.
 - F. On a corner lot, the rear lot line of which adjoins a side lot line of a lot to the rear, an accessory storage structure which exceeds eight and one-half (8 ½) feet in height shall not be located:
 - (1) Nearer to any part of the rear lot line that adjoins the side yard on the lot to the rear than a distance equal to the minimum required side yard on such lot to the rear, or
 - (2) Nearer to the side street line than a distance equal to the minimum required front yard on the lot to the rear.
- 11. Solid waste and recycling storage containers may be located in any yard, provided that any container located in a minimum front yard shall be located no closer than fifteen (15) feet to a front lot line and shall be screened from view from the abutting street by either plantings or solid fencing. Notwithstanding the provisions of Par. 3 above, the maximum height of such solid fencing shall not exceed one (1) foot above the solid waste and

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recycling storage containers. In addition, no containers shall be located in any required parking space, driveway, parking aisle, open space or landscaped area.

12. The following regulations shall apply to the location of all freestanding structures or uses except those specifically set forth in other paragraphs of this Section:
 - A. For purposes of determining height, the height of an accessory structure shall be measured in accordance with Par. 4 of Sect. 10-103 above.
 - B. An accessory structure or use, which does not exceed seven (7) feet in height, may be located in any part of any side or rear yard, except as qualified in Sect. 2-505.
 - C. No accessory structure or use, except a statue, basketball standard, flagpole, or gardening in an area of not more than 100 square feet may be located (a) in any minimum required front yard on any lot or (b) in any front yard on any lot containing 36,000 square feet or less. When located in a front yard, basketball standards and gardening may not be closer than fifteen (15) feet to a front lot line. Composting is not permitted in any front yard. Additionally, basketball standards may not be closer than twelve (12) feet to a side lot line, and may not be used between the hours of 8:00 PM and 8:00 AM.
 - D. No accessory structure or use which exceeds seven (7) feet in height shall be located in any minimum required side yard.
 - E. No accessory structure or use which exceeds seven (7) feet in height shall be located closer than a distance equal to its height to the rear lot line or located closer than a distance equal to the minimum required side yard to the side lot line.
 - F. On a corner lot, the rear lot line of which adjoins a side lot line of a lot to the rear, no accessory structure or use which exceeds seven (7) feet in height shall be located:
 - (1) Nearer to any part of the rear lot line that adjoins the side yard on the lot to the rear than a distance equal to the minimum required side yard on such lot to the rear, or
 - (2) Nearer to the side street line than a distance equal to the minimum required front yard on the lot to the rear.
13. Except as may be qualified by Sect. 2-505, conventional television antennas and satellite dish antennas designed to receive television or video programming with a diameter or diagonal measurement of 39 inches (one meter) or less shall be permitted in any yard on any lot.
14. Except for lighting fixtures mounted on poles that are associated with outdoor recreation/sports facilities playing fields/courts and as noted below, the mounting height of lighting fixtures on light poles shall not exceed a maximum height of forty (40) feet as measured from the ground level or the surface on which the light pole is mounted to the bottom of the lighting fixture. Light poles mounted on the top of parking decks or parking structures shall not exceed a maximum height of twenty (20) feet as measured

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from the top of the pole to the surface on which the pole is mounted. Light poles shall be located in accordance with the following:

- A. On lots developed with single family dwellings:
 - (1) Light poles that are no greater than seven (7) feet in height may be located in any yard;
 - (2) Light poles that exceed seven (7) feet in height shall be subject to the location regulations of Paragraphs 12C, 12D, 12E and 12F above.
- B. On all other lots:
 - (1) Light poles that do not exceed seven (7) feet in height may be located in any yard;
 - (2) Light poles greater than seven (7) feet in height shall be subject to the minimum yard requirements, with the exception of angle of bulk plane, of the zoning district in which located.

The above locational provisions shall not be applicable to parking lot light poles, which may be located in any yard. All light poles, to include parking lot light poles, shall be subject to the provisions of Part 9 of Article 14.

- 15. Temporary portable storage containers shall be located in accordance with the provisions of Sect. 102 above.

10-105 Short-Term Lodging

Short-Term Lodging, as defined in Article 20, is permitted in a dwelling or mobile home only upon the Zoning Administrator's issuance of a permit and is subject to the following limitations:

- 1. For the purposes of this section, the following definitions apply:
 - A. Authorized Agent: an adult designated by a Short-Term Lodging Operator who consents to be available to address issues or emergencies that may arise during any Short-Term Lodging stay.
 - B. Permanent Resident: a person who occupies or intends to occupy a dwelling or mobile home for at least 185 days out of the calendar year for the purposes of establishing the dwelling or mobile home as that person's primary residence. A person may have only one permanent residence.
 - C. Short-Term Lodging Operator: an owner or tenant of a property who offers that property for Short-Term Lodging.
- 2. A dwelling or mobile home used for Short-Term Lodging must:

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- A. Be open, upon request, for inspection by County personnel during reasonable hours; and
 - B. Comply with the requirements of the applicable version of the Virginia Uniform Statewide Building or Virginia Manufactured Home Safety Regulations, as determined by the Building Official; and
 - C. Have a working multi-purpose fire extinguisher and interconnected smoke detectors and carbon monoxide detectors (when required for a fireplace or gas service); and
 - D. Have a plan posted inside the door to each sleeping room showing the exit pathway from the sleeping room to the nearest exit from the dwelling or mobile home; and
 - E. Have one designated parking space available for lodgers, which the Operator has the authority to reserve for Short-Term Lodging purposes.
3. A Short-Term Lodging Operator must:
- A. Be a permanent resident of the property hosting the Short-Term Lodging Use. Permanent residency must be demonstrated at the time of application for a permit to operate Short-Term Lodging; and
 - B. Obtain written consent from the owner of the property for the Short-Term Lodging Use; and
 - C. Assume responsibility for determining whether any regulations, prohibitions, and covenants applicable to the dwelling or mobile home prohibit Short-Term Lodging; and
 - D. Designate at least one person who consents to serve as an Authorized Agent for the Short-Term Lodging Operator. Contact information (name, address, telephone, and email address) for the Authorized Agent(s) must be provided on the application for a Short-Term Lodging permit, posted in a prominent location within the area made available for Short-Term Lodging, and provided in any written material given to lodgers during their overnight stay.
4. The Short-Term Lodging Use is subject to the following use limitations:
- A. A dwelling or mobile home may be used for Short-Term Lodging for no more than 60 nights per calendar year.
 - B. The maximum number of lodgers per night may not exceed 6 adults, except where the Virginia Uniform Statewide Building Code requires fewer occupants.
 - C. All lodgers occupying a Short-Term Lodging must be associated with the same rental contract. The maximum number of rental contracts per night is one.
 - D. Events and activities—including luncheons, banquets, parties, weddings, meetings, fund raising, commercial or advertising activities, and any other gathering of persons other than the authorized lodgers, whether for direct or

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indirect compensation—are prohibited in association with any Short-Term Lodging.

- E. All advertisements for Short-Term Lodging, posted on any platform online or in any other format, must (i) include the Short-Term Lodging permit number and (ii) identify the location of the parking space required by Par. 2E, above, and any other available parking or public transportation options.
 - F. A Short-Term Lodging Operator must maintain a guest log including the name, address and telephone number of all overnight lodgers. The guest log must be made available upon request to any County employee or agent tasked with enforcing the Zoning Ordinance or other applicable part of the County Code.
 - G. Short-Term Lodging is prohibited in a detached accessory structure, accessory dwelling unit, temporary family health care structure, affordable dwelling unit or workforce dwelling unit.
 - H. The Zoning Administrator's issuance of a permit does not abrogate, nullify, or invalidate any other provision of federal, state, or local law; any restrictive covenant; or any property owners' association by-law.
5. Permit Required
- A. An application for a Short-Term Lodging permit must be submitted to the Zoning Administrator on a form furnished by the County along with a filing fee of \$200.
 - B. The permit will be valid for two years from the date of issuance.
 - C. A permit for Short-Term Lodging may be revoked by the Zoning Administrator because of the failure of the Short-Term Lodging Operator to comply with all applicable regulations set forth in this Section or elsewhere in the Zoning Ordinance. The Zoning Administrator will give notice of any such revocation by letter to the Short-Term Lodging Operator and the property owner, where applicable, setting forth the grounds upon which the permit was revoked, the date and time when the revocation is effective, and the appeals procedure. These provisions do not preclude the Zoning Administrator's use of any other remedy prescribed by law with respect to violations of this Ordinance.

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PART 2 10-200 ACCESSORY SERVICE USES

10-201 Authorization

Accessory service uses, as defined in Article 20, are permitted in connection with certain principal uses as set forth below when expressly authorized in the zoning district regulations.

10-202 Permitted Accessory Service Uses

Accessory service uses shall include, but are not limited to, the following uses; provided that such use shall be in accordance with the definition of Accessory Service Use contained in Article 20.

1. Accessory to a principal use of multiple family dwellings in the R-12, R-16, R-20, R-30 and in the PDH, PDC and PRC Districts when such dwelling or dwelling complex has a minimum of 250 dwelling units.
 - A. Child care centers.
 - B. Garment cleaning establishments.
 - C. Personal service establishments.
 - D. Quick-service food stores.
 - E. Restaurants.
 - F. Retail sales establishments selling convenience merchandise.
2. Accessory to a principal use of offices, industrial establishments, or institutional buildings in the C-1, C-2, C-3, C-4, I-1, I-2, I-3, I-4, I-5 and I-6 Districts:
 - A. Business service and supply service establishments.
 - B. Carryout restaurants.
 - C. Child care centers.
 - D. Garment cleaning establishments.
 - E. Health clubs, spas, sauna and steam baths, swimming pools, tennis courts and other such similar facilities.
 - F. Personal service establishments.
 - G. Prescription establishments and the selling of pharmaceutical supplies.
 - H. Quick-service food stores, limited to the C-3, C-4 and I-4 Districts.

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- I. A dwelling unit for a watchman, custodian, proprietor or owner and his/her family whose employment or business is directly related to the principal use.
 - J. Repair service establishments.
 - K. Restaurants.
 - L. Retail sales establishments selling convenience merchandise.
3. Accessory to a principal use of offices or industrial establishments in the I-5 and I-6 Districts, in addition to the uses set forth in Par. 2 above:
- A. Drive-in financial institutions.
 - B. Quick-service food stores.

10-203 Use Limitations

In addition to the use limitations applicable in the zoning district in which located, all accessory service uses shall be subject to the following use limitations:

- 1. Accessory service uses shall be oriented to cater primarily to the residents or employees of the principal use with which they are associated.
- 2. With the exception of those uses set forth in Par. 3 and 4 below, all accessory service uses shall be located in the same building as the principal use.
- 3. Accessory service uses in the C-4 District may be located in a freestanding building separate from the principal use, and a restaurant in the I-1 through I-5 Districts may also be located in a freestanding building; but such freestanding buildings are allowed only in those locations shown on an approved development plan or site plan for an office facility or industrial park.

Those accessory service uses set forth in Par. 2E of Sect. 202 above, which by their nature must be conducted outside a building, must be located on the same lot as the principal use.
- 4. Drive-in financial institutions, restaurants, and quick-service food stores in the I-5 and I-6 Districts may be located in a freestanding building; however, such uses may not have frontage on or direct access to a street defined in the adopted comprehensive plan as a major or minor arterial, and such uses must be an integral design element of a site plan for an industrial building or building complex containing not less than 30,000 square feet of gross floor area.
- 5. The aggregate gross floor area of all accessory service uses shall not exceed fifteen (15) percent of the total gross floor area of the multiple family dwelling development, office or industrial building or park, as shown on a site plan.
- 6. No accessory service use may be located above the second floor of the building in which located, with the exception of:

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- A. The residence of a proprietor or owner, which may be located on any floor.
 - B. A restaurant which may be located in a rooftop penthouse.
7. Signs for accessory service uses shall be regulated by the provisions of Article 12.
8. For child care centers that are accessory to a principal use of multiple family dwellings, the following use limitations shall apply:
- A. The child care center may be located within common areas of the building or development such as party rooms or club houses, but in no event shall the use be located within individual dwelling units.
 - B. Enrollment shall be limited to children who live in the building or complex where the child care center is located. The maximum daily enrollment shall not exceed 99 children.
 - C. Usable outdoor recreation space is limited to:
 - (1) That area not covered by buildings or required off-street parking spaces.
 - (2) That area outside the limits of the minimum required front yard.
 - (3) Only that area which is developable for active outdoor recreation purposes.

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PART 3 10-300 HOME OCCUPATIONS

10-301 Authorization

Home occupations are permitted in any dwelling unit subject to the approval by the Zoning Administrator and the provisions listed below. An application for a home occupation shall be filed with the Zoning Administrator on forms furnished by the County. The application for a home occupation shall be accompanied by a filing fee of fifty dollars (\$50) made payable to the County of Fairfax.

10-302 Permitted Home Occupations

Home occupations include, but are not necessarily limited to, the following:

1. Artists and sculptors.
2. Authors and composers.
3. Dressmakers, seamstresses and tailors.
4. Home crafts, such as model making, rug weaving, lapidary work, and ceramics.
5. Office facilities, other than home professional offices as defined in Article 20.
6. Schools of special education whose class size does not exceed more than four (4) pupils at any given time and not more than eight (8) pupils in any one day.
7. The letting for hire of not more than two (2) rooms for rooming or boarding use for not more than two (2) persons, neither of whom is a transient.
8. Horseback riding lessons, in accordance with the following limitations:
 - A. On lots containing a minimum of two (2) acres but less than five (5) acres, no more than two (2) students at any given time and up to eight (8) students in any one day.
 - B. On lots containing five (5) acres or more, a maximum of four (4) students at any given time and up to eight (8) students in any one day.

10-303 Home Occupations Not Permitted

Permitted home occupations shall not in any event be deemed to include the following:

1. Antique shops.
2. Barbershops or beauty parlors.
3. Restaurants.
4. Gift shops.

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5. Repair service or personal service establishments, except as may be permitted by Sect. 302 above.
6. Kennels.
7. Veterinary hospitals.

10-304 Use Limitations

In addition to the use limitations applicable in the zoning district in which located, all home occupations shall be subject to the following use limitations:

1. A home occupation must be conducted by the home occupation permit applicant within the dwelling which is the primary residence of the applicant or in an accessory building thereto which is normally associated with a residential use and shall be clearly subordinate to the principal use of the lot as a dwelling.
2. Except for articles produced on the premises, no stock in trade shall be stored, displayed or sold on the premises.
3. There shall be no exterior evidence that the property is used in any way other than for a dwelling.
4. No mechanical or electrical equipment shall be employed other than machinery or equipment customarily found in the home, associated with a hobby or avocation not conducted for gain or profit, or customary for a small office.
5. No outside display or storage of goods, equipment or materials used in connection with the home occupation shall be permitted.
6. The home occupation permit applicant and other persons who use the dwelling as their primary residence may be involved in the home occupation use. In addition, one (1) nonresident person, whether paid or not for their services, may be involved in the home occupation use on the property provided that there is only one (1) such person on the property and the hours of such attendance shall be limited to 8:00 AM to 5:00 PM, Monday through Friday.
7. Only one commercial vehicle shall be permitted per dwelling unit, subject to the provisions of Sect. 102 above.
8. The dwelling in which the home occupation is being conducted shall be open for inspection to County personnel during reasonable hours.
9. A permit for a home occupation is valid for only the original applicant and is not transferable to any resident, address or any other occupation. Upon termination of the applicant's residency, the home occupation permit shall become null and void.
10. No sign shall be permitted, and all outdoor lighting shall be in accordance with Part 9 of Article 14.

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11. Except for schools of special education and horseback riding lessons as permitted in Sect. 302 above, there shall be no customers or clients.
12. In addition to Paragraphs 1 through 11 above, horseback riding lessons shall be subject to the following:
 - A. Notwithstanding Par.1 above, the primary residence of the home occupation permit applicant shall be located on the same lot where the horseback riding lessons are given; however the applicant shall not be required to conduct the horseback riding lessons and/or care for the horses that are kept, boarded or maintained on the property.
 - B. The hours of horseback riding lessons shall be limited to 7:00 AM to 7:00 PM and notwithstanding Par. 6 above, one (1) nonresident person, whether paid or not for their services, may assist with the horseback riding lessons and/or care for the horses, provided that the hours of such attendance shall be limited to 7:00 AM to 7:00 PM.
 - C. All horses used in the horseback riding lessons shall be kept on the property and no horses shall be transported or ridden onto the property for the lessons.
 - D. If there is a lighted outdoor riding ring or riding area, the use of outdoor lighting for such areas shall be limited to 7:00 AM to 7:00 PM.
 - E. A Conservation Plan approved by the Northern Virginia Soil and Water Conservation District shall be prepared for the property and all activity on the property shall conform to such Plan.

Riding lessons, other than as permitted above, shall be deemed a riding/boarding stable and shall require special permit approval in those districts where permitted.

10-305 Revocation of a Home Occupation Permit

A permit for a home occupation shall be revocable by the Zoning Administrator because of the failure of the owner or operator of the use covered by the permit to observe all requirements of the permit and the Zoning Ordinance.