

**County of Fairfax, Virginia
Planning Commission Meeting
May 3, 2018
Verbatim Excerpt**

ZONING ORDINANCE AMENDMENT – ARTICLES 8, 10, 18 AND APPENDIX 2 - MINIMUM REQUIRED REAR YARD COVERAGE LIMITATIONS FOR SINGLE FAMILY DETACHED DWELLINGS – An amendment to Chapter 112 (the Zoning Ordinance) of the 1976 Code of the County of Fairfax, as follows:

- (1) Amend Sect. 10-102, Permitted Accessory Uses, to remove the 100-square-foot size limitation on a child's playhouse.

- (2) Amend Par. 3 of Section 10-103 as follows:
 - a. To increase, from 30% up to 50%, the maximum coverage allowed by right for accessory uses and structures within the minimum required rear yard of any lot containing a single-family detached dwelling in an R-District.
 - b. To increase, from 30% up to 60%, the maximum coverage allowed by right for accessory uses and structures within the minimum required rear yard of any lot containing a single-family detached dwelling in the P-Districts and to exempt from the maximum rear yard coverage restriction any such P District lot that does not exceed 5,000 square feet of land area.
 - c. To clarify which structures and uses are included in the rear yard coverage calculations, specifically freestanding accessory structures, projections from the principal dwelling that touch the ground, and driveways, parking spaces, sidewalks, and walkways that are greater than 5 feet in width.
 - d. To specify that any portion of the principal dwelling that receives approval to encroach into the minimum required rear yard is not included in the rear yard coverage calculation.
 - e. To specify that, for the purposes of this provision, for a lot within a P-District that is not subject to proffered rear yards, the required minimum rear yard is governed by the regulations of that conventional residential zoning district which most closely characterizes the given development.
 - f. To specify that an increase in the percentage of minimum rear yard coverage may be permitted with the approval of a special permit or, for lots located in a P District, an amendment to the development plan.

- (3) Revise Article 8, Sect. 8-901 to add a new special permit use to increase the percentage coverage of the minimum required rear yard for single-family detached dwellings, and add a new Section 8-926, entitled "Provisions for Increase in the Percentage of Minimum Required Rear Yard Coverage," to allow for the BZA to approve a special permit to increase the maximum coverage of minimum required rear yards. This section sets out additional standards and submission requirements that would have to be met for the approval of such a special permit, including that the approval will allow no more than 60 percent of the minimum required rear yard to be covered by any accessory structure and use and allows the BZA to impose conditions it deems necessary to satisfy these standards.

- (4) Amend Sect. 8-914 and 8-922 to revise the submission requirements to add a requirement to include the percentage that the minimum required rear yard is covered with accessory structures and uses.

- (5) Pursuant to authority granted by § 15.2-107 and §15.2-2286 (A) (6) of the Code of Virginia, amend Article 18, Par. 1, Sect. 106 to establish a \$910 fee for a Group 9, Special

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Permit to increase rear yard coverage on a lot with a single-family detached dwelling in an R-District. In addition, Par. 2 of Section 106 will be amended to establish a \$910 fee for a development plan amendment to increase rear yard coverage on a lot with a single-family detached dwelling in a P-District.

(6) *Amend Appendix 2, Illustrations, to add four plates clarifying coverage calculations as “Illustration 6.” (Countywide)*

Decision Only During Commission Matters
(Public Hearing held on April 18, 2018)

Commissioner Hart: Thank you, Mr. Chairman. On April 18, the Commission had a public hearing on a Zoning Ordinance Amendment for minimum rear yard coverage for single family detached dwellings, and deferred decision until tonight. I want to thank our staff team, particularly Casey Judge, Drew Hushour, Ellie Codding, Randy Bartlett and the Zoning Administrator, Leslie Johnson, and also David Stoner in the County Attorney’s office, for their fine work on this project, including extensive community outreach. I also want to thank the citizens and groups who testified and submitted written comments. I also want to thank my colleagues who have weighed in, and there once again is a spectrum of opinions as to the details. This amendment was originally intended to address a couple recurring problems, the lack of flexibility for homeowners in a couple unfortunate P district subdivisions to install patios, decks and porches in the minimum rear yard without filing an FCPA – FDPA, excuse me. This is what happens when – when I’m the typist. Sometimes referred to as the Kingstowne problem, and the dilemma for innocent homeowners purchasing an existing home with a rear yard swimming pool who receive a violation for minimum rear yard coverage, having bought the zoning violation along with their new home, without having done anything. With a single-family home, with an existing swimming pool, concrete deck and a small pump house, the homeowner may instantly be in violation, and may be stuck between ripping out the pool and concrete deck, or obtaining a variance, for which the standards are very severe. The Board has wanted to accommodate more flexibility for homeowners in both these scenarios. This amendment also addresses some other desired clarifications. At the same time, the desire for homeowner flexibility may conflict with other objectives in the ordinance, particularly environmental concerns, tree cover and stormwater management issues. We’ve received some pushback from citizen groups, and from EQAC, about the scope of the amendment. I agree that perhaps we may have gone further towards flexibility than was necessary, at the expense of our environmental objectives. I will therefore be moving that we recommend to the Board of Supervisors a slightly modified version of the original staff recommendation, including Option D in the most recent handout, which will require re-advertising before the Board of Supervisors public hearing, but as I understand it will not require the Commission to have another public hearing. I believe that compromise adequately addresses the concerns of both sides. As to R district lots, I am supporting the staff recommendation of retaining the current thirty percent by-right maximum coverage, but allowing homeowner applications for a special permit, rather than a variance, on a case-by-case basis, to increase coverage up to sixty percent, which I believe is more than sufficient to address most of the situations presented. That case-by-case review will require notice and a public hearing, and may result in appropriate development conditions to address any impacts generated. That also is the approach supported by EQAC for R districts. As to P district lots, my conclusion is somewhat more complicated. It’s very difficult to come up with a “one size fits all” recommendation. As to Option B, I believe that a fifty percent by right figure across the board, on the one hand is likely

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too low for the smallest P district lots, for which a patio or deck may more typically approach the sixty percent figure. I also believe that the larger P district lots do not need anything like fifty percent, and that we would be unnecessarily sacrificing pervious surface and tree cover for simplicity. For the smaller lots, I have concluded that a seventy-five percent maximum is more than generous, and that even sixty percent should be sufficient for a large patio or deck, leaving some remaining green space. As to the issue of an exemption for the P district lots under 5,000 square feet, I have concluded, based in part on some of the pushback we have received, that goes too far. I do not believe that a one hundred percent by right minimum yard coverage on a detached single family lot is necessary or appropriate, simply to facilitate homeowner flexibility, especially in view of our water quality and Chesapeake Bay objectives. I also believe that the other possible approach, the Option C sliding scale for the smaller lots, is way too complicated and arbitrary, and will not easily be administered by the citizens and contractors trying to figure it out, and will not easily be enforced by staff. The sliding scale approach also seems entirely contrary to our ZMOD objectives to streamline and simplify this type of regulation. Nevertheless, because the amendment will be readvertised to facilitate the Board's consideration of Option D, I see no harm in including Option C in the readvertising, for the Board's consideration, with the stipulation that we're recommending against Option C. Where does this leave us? On the R districts, we would retain the current...

Chairman Murphy: I think that's a rhetorical question.

Commissioner Hart: Well, I'm trying to sum up here...

Commissioner Sargeant: Wait, he's getting to the end.

Commissioner Hart: On the R districts, we would retain the current percentage, but allow homeowners a more realistic procedural path to go above the thirty percent maximum, with the safeguards of a public hearing and case by case review with development conditions. For the P districts, with Option D we are still accommodating much greater homeowner flexibility to deal with the Kingstowne patio and deck problem, but by capping the smaller lots at seventy-five percent rather than a total one hundred percent exemption, we are still retaining some pervious surface and preserving some vegetated separation. We have to draw the line somewhere, and at the same time, a hundred percent is too much. I believe this package, including Option D, is an appropriate recommendation, given the universe of comments received, and my judgment as to an appropriate compromise. Finally, following the public hearing, staff is also recommending one additional change, which also will require readvertising to allow the Board to consider it. And I agree with staff's recommendation on this. For P district lots, that are not subject to proffered yards where the homeowner wants permission to go above the fifty percent or seventy-five percent maximum, staff is now recommending that the homeowner also have the option to proceed by special permit application, rather than only by final development plan application. This optional procedure will still require notice and a public hearing with the Board of Zoning Appeals, and an opportunity for imposition of appropriate development conditions to mitigate impacts. This also is consistent with the approach recommended for R district lots, is consistent with the other types of yard cases heard by the BZA, and will not burden the Planning Commission with additional unwanted cases in this category. I support staff's modified recommendation in this regard, and will be including that issue in the follow-on motion. Therefore, first, Mr. Chairman, I MOVE THAT THE PLANNING COMMISSION RECOMMEND TO THE BOARD OF SUPERVISORS ADOPTION OF THE PROPOSED

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ZONING ORDINANCE AMENDMENT REGARDING THE MINIMUM REQUIRED REAR YARD COVERAGE LIMITATIONS FOR SINGLE FAMILY DETACHED DWELLINGS, TO INCLUDE THE FOLLOWING AS DISCUSSED IN THE STAFF REPORT, STAFF'S MEMORANDUM DATED APRIL 26, 2018, AND ITS PROPOSED TEXT INCLUDING:

- A MAXIMUM PERMITTED COVERAGE OF THIRTY PERCENT IN THE MINIMUM REQUIRED REAR YARD OF R DISTRICT LOTS;
- A MAXIMUM PERMITTED COVERAGE OF FIFTY PERCENT IN THE MINIMUM REQUIRED REAR YARD OF P DISTRICT LOTS IN EXCESS OF 5,000 SQUARE FEET IN LAND AREA; AND
- WITH REGARD TO LOTS OF NO MORE THAN 5,000 SQUARE FEET IN LAND AREA IN P DISTRICTS, OPTION D AS SHOWN IN THE APRIL 26, 2018, PROPOSED TEXT, WHICH ALLOWS A MAXIMUM PERMITTED COVERAGE OF SEVENTY-FIVE PERCENT OF THE MINIMUM REQUIRED REAR YARD, UNLESS OTHERWISE SPECIFIED ON AN APPROVED DEVELOPMENT PLAN OR IN A PROFFERED OR DEVELOPMENT CONDITION;
- I ALSO MOVE THAT THE PLANNING COMMISSION RECOMMEND THAT THE AMENDMENT BECOME EFFECTIVE AT 12:01 A.M. THE DAY FOLLOWING ADOPTION.

Commissioner Sargeant: Second.

Chairman Murphy: Seconded by Mr. Sargeant. Is there a discussion of the...and yes?

Commissioner Cortina: [Inaudible].

Chairman Murphy: Discussion. Okay I thought you were seconding also. Is there a discussion?
Ms. Cortina.

Commissioner Cortina: Yes. Thank you, Mr. Chairman. I am concerned as are several organizations like EQAC and the Tree Commissioners, that allowing the P districts to include by-right up to seventy-five percent is – is going too far. And, I would recommend that we stick with Option B which has already been advertised for the lots that are less than 5,000 square feet. Because the Kingstowne problem is going to become the Fairfax County problem and the Chesapeake Bay problem. We really don't even know the full extent of the problem if accumulatively we start to allow all kinds of impervious surface in these lots. So, I would – I plan to abstain. Thank you.

Chairman Murphy: Further discussion of the motion. Mr. Ulfelder.

Commissioner Ulfelder: Thank you, Mr. Chairman. The Drainessville District doesn't have much in the way of P district, has a lot in connection with the R district. And I know there are some folks there who wanted to stick very strictly to the thirty percent but also to allowing only the use of a variance to go beyond the thirty percent. And, I feel that that's a little too rigid, I'm gonna

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support the amendment that sticks with the by-right thirty percent but allows up to sixty percent with the special permit in the R district. And I think that the BZA review – the staff review and the BZA review in the process can very effectively address some of the concerns about coverage, about impact on neighbors, about steps that need to be taken in order to avoid problems with runoff on neighboring properties. And it's all in the context of a public hearing as well, with notice to the neighbors who could come in and discuss exactly why they think it would have a negative impact on – on their adjacent property. So, I do plan to vote for the motion under consideration.

Chairman Murphy: Okay. Further discussion of the motion? All those in favor of the motion on the Zoning Ordinance Amendment Rear Yard coverage as articulated by Commissioner Hart, say aye.

Commissioners: Aye.

Chairman Murphy: Opposed? Motion carries. Ms. Cortina abstains. Okay.

Commissioner Hart: Mr. Chairman.

Chairman Murphy: Yes, Mr. Hart.

Commissioner Hart: Yes. Secondly, as a follow-on motion, I MOVE THAT THE PLANNING COMMISSION DIRECT STAFF TO ADVERTISE – I GUESS IT'S RE-ADVERTISE, FOR THE BOARD'S CONSIDERATION THE FOUR OPTIONS CONCERNING P DISTRICT LOTS, AS WELL AS STAFF'S RECOMMENDATION THAT A SPECIAL PERMIT OPTION BE MADE AVAILABLE TO INCREASE THE PERCENTAGE OF MINIMUM REAR YARD COVERAGE FOR LOTS IN THE P DISTRICT THAT ARE NOT SUBJECT TO PROFFERED YARDS, AS OUTLINED IN STAFF'S MEMORANDUM DATED APRIL 26, 2018, AND SHOWN IN ITS ATTACHED PROPOSED TEXT.

Commissioner Sargeant: Second.

Chairman Murphy: Seconded by Mr. Sargeant. Is there a discussion of that motion? All those in favor, say aye.

Commissioners: Aye.

Chairman Murphy: Opposed? Motion carries.

Commissioner Cortina: Abstained.

Chairman Murphy: Ms. Cortina abstains.

Commissioner Hart: Thank you.

Each motion carried by a vote of 11-0-1. Commissioner Cortina abstained from the vote.

SL



County of Fairfax, Virginia

MEMORANDUM

DATE: April 26, 2018

TO: Peter F. Murphy, Chairman
Members, Fairfax County Planning Commission

FROM: Casey Judge, Senior Assistant to the Zoning Administrator
Zoning Administration Division

SUBJECT: Revised Text for Minimum Required Rear Yard Coverage Limitations for Single Family Detached Dwellings Ordinance Amendment
Planning Commission Decision-Only – May 3, 2018

On March 20, 2018, the Board of Supervisors authorized advertisement of a proposed Zoning Ordinance amendment to revise the restrictions on lot coverage in the minimum required rear yards of single-family detached dwellings. Among other things, that amendment would exempt P-District lots of no more than 5,000 square feet from any restriction on the amount of coverage in their rear yards. As a part of its authorization, the Board directed staff to craft proposed text creating an additional administrative exemption for P-District lots that were slightly greater in size than 5,000 square-feet.

On March 27, 2018, staff published its report for the proposed Zoning Ordinance amendment regarding rear yard coverage. As a part of this report, staff noted that it was working on crafting the requested text. During subsequent conversations, however, uniformity concerns were identified regarding the standards to be applied to such an administrative exemption. As such, staff does not recommend an administrative exemption for P-District lots.

At the Planning Commission's April 18, 2018, public hearing on this proposed amendment, Commissioners expressed concerns regarding any exemption of P-District lots from the rear yard coverage limitations. Staff originally advertised a range of by-right percentages for all P-District lots over 5,000 square feet, but it was requested that staff also propose a range of options to consider regarding P-District lots no larger than 5,000 square feet. The following details the different options staff has developed:

Option A:

This option is staff's recommendation of a maximum rear yard coverage of 50% [advertised range of 30-60%] for P-District lots larger than 5,000 square feet. Staff also recommends that P-District lots of no more than 5,000 square feet be exempt from lot coverage regulations. This option would not require re-advertising prior to the Board of Supervisors' hearing.

Option B:

Option B applies the 30-60% [advertised range] coverage limitation to all P-District lots, without exempting lots of 5,000 square feet or less in size. Staff suggests that a 50% maximum be applied. This option also would not require re-advertisement prior to the Board of Supervisors' hearing.

Option C:

Option C proposes a sliding scale for P-District lots that are slightly larger than the 5,000-square-foot threshold. The Planning Commission briefly discussed this option at its April 18 hearing. In this sliding scale, a range of percentages are proposed depending on the lot size. For example, a lot of 5,101 square feet would be permitted 80% coverage within its required minimum rear yard. This option would require re-advertising prior to the Board of Supervisors' hearing. An example of the sliding scale for lot sizes and percentage ranges is included below:

Lot Size	Max. Rear Yard Coverage
Up to 5,000 SF	100%
5,001–5,100 SF	90%
5,101–5,200 SF	80%
5,201–5,300 SF	70%
5,301–5,400 SF	60%
5,401 or more SF	50%

Option D:

The final option proposes the 30-60% limitation for P-District lots exceeding 5,000 square feet but allows a 75% coverage limitation on those lots of 5,000 square feet or less. This option would require re-advertisement prior to the Board of Supervisors' hearing.

In addition to the noted options above, the revised text also clarifies Part 3E of Section 10-103, which allows the approval of a FDPA or by a Special Permit on P-District lots.

In conclusion, Staff continues to recommend Option A with an increase in the by-right percentage of coverage to 50% on the P-District lots and an exemption from the coverage requirements for all such lots of no more than 5,000 square feet. In addition, the proposal regarding conventional R Districts has remained unchanged with staff recommending the by-right percentage remain at 30% and a Special Permit option be created for applicants requesting up to 60% of rear yard coverage.

Please contact me at 703-324-1314 with any further questions.

CVJ

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Attachment: Proposed text dated April 26, 2018

PROPOSED AMENDMENT
Revised April 26, 2018

This proposed Zoning Ordinance amendment is based on the Zoning Ordinance in effect as of March 20, 2018, and there may be other proposed amendments that could affect some of the numbering, order or text arrangement of the paragraphs or sections set forth in this amendment. If any such other amendment is adopted before this amendment, any necessary renumbering or editorial revisions will be administratively incorporated by the Clerk in the printed version of this amendment following Board adoption.

Changes to the proposed text contained in the Staff Report (dated March 20, 2018) are shown with strikethrough and shaded italics.

1 Amend Article 8, Special Permits, Part 9, Group 9 Uses Requiring Special Regulation, as
2 follows:

3
4 - Amend Sect. 8-901, Group 9 Special Permit Uses, by adding a new Par. 25 to read as
5 follows:

6
7 25. Increase in the percentage of minimum required rear yard coverage for single family
8 detached dwellings.

9
10 - Amend Sect. 8-914, Provisions for Approval of Reduction to the Minimum Yard
11 Requirements based on Error in Building Location, by adding a new Par. 1L to read as
12 follows:

13
14 1. Notwithstanding Par. 2 of Sect. 011 above, all applications ~~shall~~ must be
15 accompanied by ten (10) copies of a plat and such plat ~~shall~~ must be presented on a
16 sheet having a maximum size of 24" x 36", and one 8 ½" x 11" reduction of the plat.
17 Such plat ~~shall~~ must be drawn to a designated scale of not less than one inch equals
18 fifty feet (1" = 50'), unless a smaller scale is required to accommodate the
19 development. Such plat ~~shall~~ must be certified by a professional engineer, land
20 surveyor, architect, or landscape architect licensed by the State of Virginia and such
21 plat ~~shall~~ must contain the following information:

22
23 L. A calculation showing the percentage of the minimum required rear yard that is
24 covered with any accessory use and structure, in accordance with Par. 3 of
25 Sect. 10-103.

26
27 - Amend Sect. 8-922, Provisions for Reduction of Certain Yard Requirements, by adding a
28 new Par. 11N to read as follows:

29
30 11. Notwithstanding Par. 2 of Sect. 011 above, all applications ~~shall~~ must be
31 accompanied by fifteen (15) copies of a plat and such plat ~~shall~~ must be presented on
32 a sheet having a maximum size of 24" x 36," and one 8 ½" x 11" reduction of the plat.

Such plat ~~shall~~ must be drawn to a designated scale of not less than one inch equals fifty feet (1" = 50'), unless a smaller scale is required to accommodate the development. Such plat ~~shall~~ must be certified by a professional engineer, land surveyor, architect, or landscape architect licensed by the State of Virginia. Such plat ~~shall~~ must contain the following information:

- N. A calculation showing the percentage of the minimum required rear yard that is covered with any accessory use and structure, in accordance with Par. 3 of Sect. 10-103.

- **Add new Sect. 8-926, to read as follows:**

8-926 Provisions for Increase in the Percentage of Minimum Required Rear Yard Coverage

The BZA may approve a special permit to allow an increase in the percentage of coverage of the minimum required rear yard on a lot developed with a single family detached dwelling, subject to the following:

1. This approval will allow no more than 60 percent of the minimum required rear yard to be covered by any accessory structure and use.
2. All accessory structures and uses located on the property must be clearly subordinate in purpose, scale, use, and intent to the principal dwelling.
3. The BZA determines that the existing or proposed accessory structures and uses on the property are harmonious with the surrounding off-site uses and structures in terms of the location, height, bulk, and scale of the surrounding structures, topography, existing vegetation, and the preservation of trees.
4. The BZA determines that the existing or proposed accessory structures and uses on the property will not adversely impact the use or enjoyment of any adjacent property.
5. The BZA determines that the proposed increase in the minimum rear yard coverage is appropriate to accommodate the existing or proposed accessory structures and uses on the lot. Specific factors to be considered include, but are not limited to, the location of the dwelling on the lot; the shape of the lot and its yards; the layout of existing or proposed accessory structures and uses; the availability of alternate locations for the existing or proposed accessory structures and uses outside of the minimum required rear yard; the characteristics of the site, including the presence of steep slopes, floodplains, or Resource Protection Areas; the preservation of existing vegetation and significant trees; the location of a well and/or septic field; the location of easements; and the preservation of historic resources.
6. The BZA may impose such conditions as it deems necessary to satisfy these criteria, including, but not limited to, limitations on the maximum sizes or specific locations of existing or proposed accessory structures and uses, and landscaping or screening requirements.

- 1
2 7. Notwithstanding Par. 2 of Sect. 011 above, all applications must be accompanied by
3 fifteen (15) copies of a plat, and such plat must be presented on a sheet having a
4 maximum size of 24" x 36", and one 8 ½" x 11" reduction of the plat. Such plat must
5 be drawn to a designated scale of not less than one inch equals fifty feet (1" = 50'),
6 unless a smaller scale is required to accommodate the development. Such plat must be
7 certified by a professional engineer, land surveyor, architect, or landscape architect
8 licensed by the State of Virginia. Such plat must contain the following information:
9
- 10 A. Boundaries of the entire property, with bearings and distances of the perimeter
11 property lines, and of each zoning district.
12
- 13 B. Total area of the property and of each zoning district in square feet or acres.
14
- 15 C. Scale and north arrow, with north, to the extent feasible, oriented to the top of the
16 plat and on all supporting graphics.
17
- 18 D. The location, dimension and height of the principal dwelling, including any
19 extension; and the location, dimension and height of any existing or proposed
20 accessory structure or use. For decks, the height of the finished floor above
21 finished ground level, and for eaves, the height of the eave from finished ground
22 level.
23
- 24 E. All required minimum yards to include front, side and rear; a graphic depiction
25 of the angle of bulk plane, if applicable; and the distance from each existing or
26 proposed structure to lot lines.
27
- 28 F. A calculation showing the percentage of the minimum required rear yard that is
29 covered with existing and/or proposed accessory uses and structures, in
30 accordance with Par. 3 of Sect. 10-103.
31
- 32 G. Means of ingress and egress to the property from a public street(s).
33
- 34 H. If applicable, the location of a well and/or septic field.
35
- 36 I. Location of any existing utility easement having a width of twenty-five (25) feet
37 or more, and all major underground utility easements regardless of width.
38
- 39 J. The location, type and height of any existing and proposed landscaping and
40 screening.
41
- 42 K. Approximate delineation of any floodplain designated by the Federal Emergency
43 Management Agency, United States Geological Survey, or Fairfax County; the
44 delineation of any Resource Protection Area or Resource Management Area; the
45 approximate delineation of any environmental quality corridor as defined in the
46 adopted comprehensive plan; and, if applicable, the distance of any existing or
47 proposed structure from the floodplain, Resource Protection Area and Resource
48 Management Area, or environmental quality corridor.

1
2 L. Seal and signature of professional person certifying the plat.

3
4 **Amend Article 10, Accessory Uses, Accessory Service Uses, and Home Occupations, Part 1,**
5 **Accessory Uses and Structures as follows:**

6
7 **- Amend the introductory paragraph and Par. 5 of Sect. 10-102, Permitted Accessory Uses, as**
8 **follows:**

9
10 Accessory uses and structures ~~shall~~ may include, but are not limited to, the following uses and
11 structures; ~~that~~ any such use or structure ~~shall~~ must be in accordance with the definition of
12 Accessory Use contained in Article 20.

13
14 5. Child's playhouse, ~~not to exceed 100 square feet in gross floor area,~~ and play equipment.

15
16 **- Amend Par. 3 of Sect. 10-103, Use Limitations, as follows:**

17
18 3. ~~All uses and structures accessory to single family detached dwellings, to include those~~
19 ~~extensions permitted by Sect. 2-412, shall cover no more than thirty (30) percent of the~~
20 ~~minimum required rear yard. The following limitations on coverage of the minimum~~
21 ~~required rear yard apply to any lot developed with a single family detached dwelling:~~

22
23 A. All accessory structures and uses may cumulatively cover no more than:

24
25 (1) 30 percent [Advertised range is from 30 to 50 percent; however, staff has
26 recommended that coverage remain at 30 percent] of the minimum required rear
27 yard on any lot located in an R District; or

28 Option A:

29 (2) 50 percent [Advertised range is from 30 to 60 percent) of the minimum required
30 rear yard on any lot located in a P District and containing more than 5,000 square
31 feet of land area, unless otherwise specified on an approved development plan or in
32 a proffered or development condition. There is no coverage limit for a lot located
33 in a P District and containing no more than 5,000 square feet of land area.

34
35 Option B:

36 (2) 50 percent [Advertised range is from 30 to 60 percent) of the minimum required
37 rear yard on any lot located in a P District, unless otherwise specified on an
38 approved development plan or in a proffered or development condition.

39
40 Option C:

41 (2) As presented in the following sliding scale, P District lots are subject to the
42 following, unless otherwise specified on an approved development plan or in a
43 proffered or development condition:

Lot Size	Max. Rear Yard Coverage
Up to 5,000 SF	100%
5,001–5,100 SF	90%
5,101–5,200 SF	80%
5,201–5,300 SF	70%
5,301–5,400 SF	60%
5,401 or more SF	50%

1 **Option D:**

2 (2) 50 percent [Advertised range is from 30 to 60 percent] of the minimum required
3 rear yard on any lot located in a P District and containing more than 5,000 square
4 feet of land area, unless otherwise specified on an approved development plan or
5 in a proffered or development condition, or 75 percent of the minimum required
6 rear yard for lots containing no more than 5,000 square feet of land area, unless
7 otherwise specified on an approved development plan or in a proffered or
8 development condition.

9
10 **B. The minimum required rear yard coverage includes the following:**

- 11
12 (1) Any fully or partially roofed freestanding accessory structure, such as a garage,
13 shed, gazebo, and other similar structure, including any horizontal projection.
14 (Reference Plate 1 of Illustration 6 in Appendix 2);
- 15
16 (2) Any other freestanding accessory structure, including any children’s play
17 equipment, sports court, pool and associated decking, and any other similar
18 structure measured around the perimeter of the outermost horizontal extensions of
19 the equipment, structure, or surface (Reference Plate 2 of Illustration 6 in
20 Appendix 2);
- 21
22 (3) Any horizontal projection from the principal dwelling that touches the ground,
23 such as a chimney, stair, stoop, HVAC equipment, patio, deck and other similar
24 projection. However, any horizontal projection from the principal dwelling which
25 does not touch the ground (other than the support posts for a deck), including an
26 eave, bay window, open deck, or other similar projection is not included in the
27 minimum required rear yard coverage (Reference Plate 3 of Illustration 6 in
28 Appendix 2);
- 29
30 (4) Any driveway, parking space, walkway and sidewalk greater than 5 feet in width,
31 regardless of the surface or edging material used.

32
33 **C. Any portion of the principal dwelling that receives approval to encroach into the**
34 **minimum required rear yard is not included in the minimum required rear yard**
35 **calculation (Reference Plate 4 of Illustration 6 in Appendix 2).**

36
37 **D. For the purposes of this provision, for any single family detached lot in a P District that**
38 **is not subject to a proffered condition establishing minimum rear yards, the required**
39 **minimum rear yard will be governed by the regulations of that conventional residential**
40 **zoning district which most closely characterizes the given development.**

E. An increase in the percentage of minimum rear yard coverage may be permitted in accordance with the provisions of Part 9 of Article 8 for lots located in an R District. For lots located in a P District, an increase in the percentage of minimum rear yard coverage may be permitted with approval of an amendment to the development plan if subject to proffered yards or by Special Permit in accordance with Part 9 of Article 8 if not subject to proffered yards.

Amend Article 18, Administration, Amendments, Violations and Penalties, Part 1, Administration, to read as follows:

- **Revise Sect. 106, Applications and Zoning Compliance Letter Fees:**

- **Amend Par. 1, Group 9 Special Permit entries, as follows:**

1. Application for a variance, appeal, special permit or special exception:

Application for a:

Group 9 special permit

Open air produce stand	\$1810
Accessory dwelling unit; modification to the limitations on the keeping of animals	\$435
Increase in fence and/or wall height in any front yard on a single family dwelling lot	\$435
Increase in fence and/or wall height in any front yard on all other uses	\$2500
Modification to minimum yard requirements for R-C lots	\$185
Error in building location; reduction of certain yard requirements on a single family dwelling lot; modification of minimum yard requirements for certain existing structures and uses; certain additions to an existing single family detached dwelling when the existing dwelling extends into a minimum required yard by more than fifty (50) percent and/or is closer than five (5) feet to a lot line; noise barriers on a single residential lot; modification of grade for single family detached dwellings; <u>increase in the percentage of minimum required rear yard coverage for single family detached dwellings</u>	\$910
Reduction of certain yard requirements on all other uses	\$8180
All other uses	\$16375

- **Amend Par. 2, Application for an amendment to the Zoning Map entries, as follows:**

- Amendments to a previously approved proffered condition and/or development plan, final development plan, conceptual development plan, PRC plan or concurrent conceptual/final development plan for:

○ Increase in fence and/or wall height on a single family lot	\$435
○ A reduction of certain yard requirements on a single family lot; or	\$910
○ <u>Increase in coverage limitation for minimum required rear yards</u>	<u>\$910</u>
○ Increase in fence and/or wall height on all other uses; or	\$2500
○ A reduction of certain yard requirements on all other uses; or	\$8180
○ The addition of or modification to an independent living facility for low income tenants.	\$1100

Amend Appendix 2, Illustrations, to add the following Illustration 6, Plates 1-4, as follows:

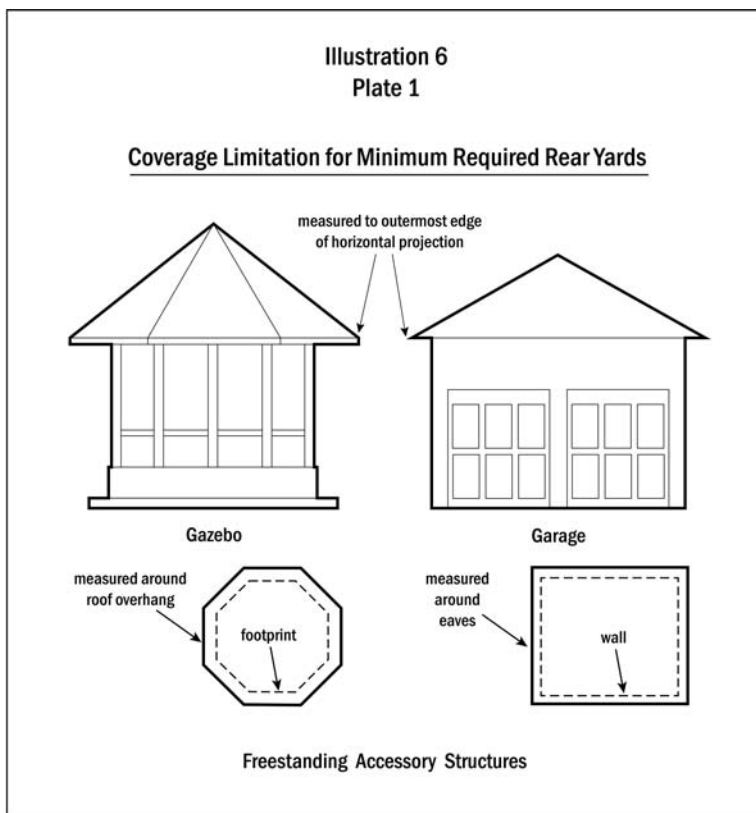
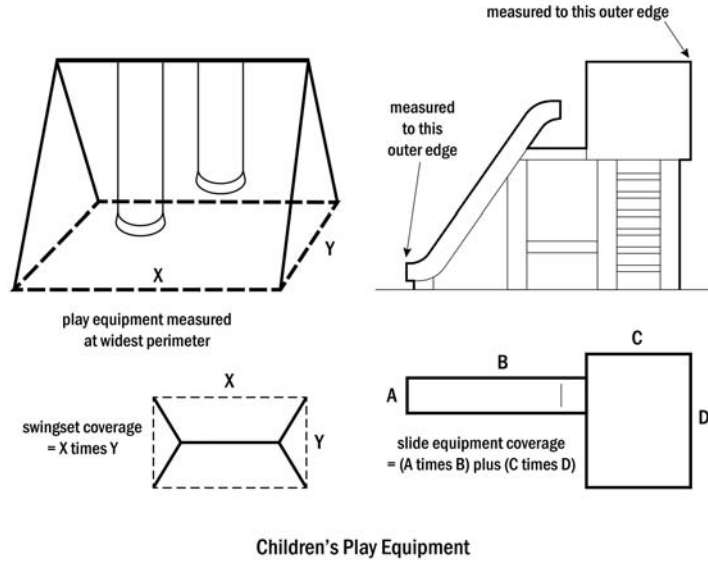


Illustration 6
Plate 2

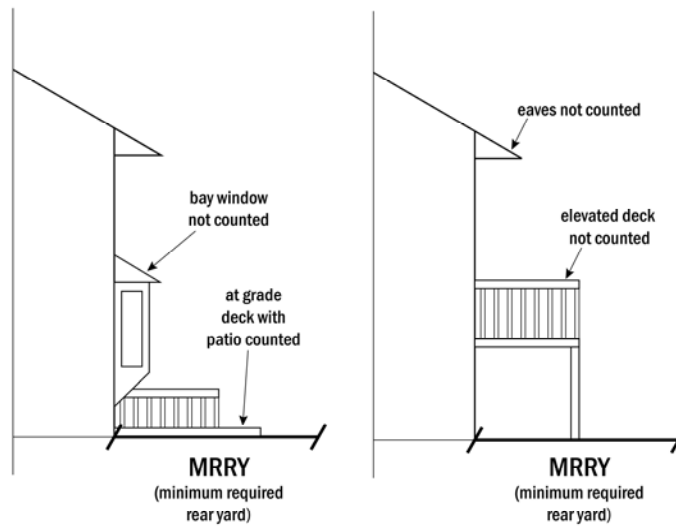
Coverage Limitation for Minimum Required Rear Yards



1

Illustration 6
Plate 3

Coverage Limitation for Minimum Required Rear Yards

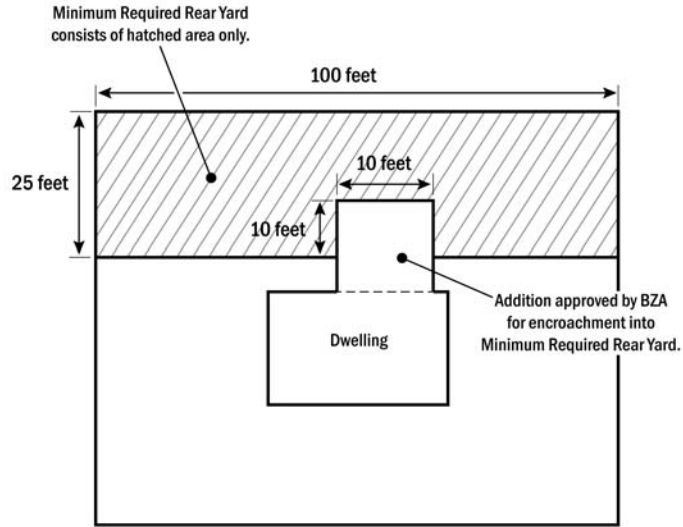


Horizontal Projections from Principal Dwelling

2

Illustration 6
Plate 4

Coverage Limitation for Minimum Required Rear Yards



Minimum Required Rear Yard area = (25 times 100) minus (10 times 10) = 2500 sf minus 100 sf = 2400 sf

Minimum Required Rear Yard with Previously Approved Encroachment Excluded