



# FAIRFAX COUNTY

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## PROPOSED ZONING ORDINANCE AMENDMENT

### STAFF REPORT Minor and Editorial Revisions

December 7, 2021

#### Hearing Dates

Planning Commission: January 19, 2022

Board of Supervisors: February 22, 2022

#### Staff Contact

Carmen Bishop, Assistant Zoning Administrator



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



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## Background

On March 23, 2021, the Board of Supervisors adopted a new and modernized Zoning Ordinance (zMOD) that took effect on July 1, 2021. Since that time, in using the new Ordinance, a number of necessary minor and editorial revisions have been identified. Most of these proposed revisions are typographical or editorial in nature and do not result in any substantive changes.

## Proposed Changes

The proposed changes are described in the table below and are shown under Proposed Text.

	<b>Reference (Section or subsection)</b>	<b>Description of Change</b>
1	1104.4 – Ordinance Structure	Delete reference to page numbering conventions because they are not used with the online Ordinance.
2	Table 2102.5, Note [1] – R-2 District	Correct typographical error.
3	2105.6.C(1) – PTC District	Correct typographical error.
4	2105.7 – PCC District	Include a standard from Par. 3 of Sect. 6-606 of the previous Ordinance that was unintentionally omitted. This standard requires approval of a NonRUP for a continuing care facility in the PCC District before issuance of a NonRUP for any other secondary use.
5	3101.19.C(3) – Wellington Historic Overlay District	Replace “yards” with the correct term “setbacks.”
6	4102.3.C and references in the Use Tables – Single-Family Detached Dwelling/R-A District  2102.1.C(1) – R-A District	Delete the requirement in the R-A District for a single-family detached dwelling to be allowed only in conjunction with an agricultural operation. This revision was discussed as part of the agritourism amendment and was intended to be incorporated previously. There are approximately 95 acres of land in the R-A District. The majority of these properties are vacant land or have a single-family detached dwelling without an agricultural operation. No change is proposed to the minimum five-acre lot size for the R-A District. The standard that requires a minimum of 75 percent of the lot area to remain as an agricultural operation and related uses, or open space has been clarified to indicate that open space is a permitted use of the 75 percent area.
7	4102.4.Y(6) – Wireless Facility	Correct typographical error in cross-reference.

	<b>Reference (Section or subsection)</b>	<b>Description of Change</b>
8	4102.5.NN(4)(b) – Vehicle Fueling Station	Correct reference to Ch. 43.2 of the County Code.
9	4102.6.B(2) – Goods Distribution Hub	Correct typographical error.
10	4102.6.L(3) – Production or Processing	List each of the zoning districts instead of using “through” for consistency with drafting conventions.
11	4102.7.A(6)(b)1 – Freestanding Accessory Structures	Correct typographical error in cross-reference.
12	4102.7.A(7)(b)4 and 5 – Fences and Walls  4102.4.X(4) – Utility Facility, Light	In subsection (b)4, correct a cross-reference and delete swimming pools as an example of an accessory structure that may have a higher fence as an integral part of the structure. Per the International Swimming Pool and Spa Code, a barrier surrounding an outdoor swimming pool is only required to be at least 48 inches above grade. This standard can be met with the maximum allowed fence height permitted in all yards without the need for an increase in height. Add new subsection (b)5, consistent with long-standing interpretation and practice, to allow a fence or wall that is an integral part of an electric substation to exceed the maximum fence or wall height in Table 4102.4. Also, add a reference to this provision for electric substations under subsection 4102.4.X(4) which contains the standards for the light utility facility use.
13	4102.7.A(8)(c) – Gates and Gateposts	Correct provision to apply to gates and gateposts that are taller than four feet.
14	4102.7.H(13)(d) – Home-Based Business	Under the heading for the special permit standards, clarify that a special permit may not be approved to allow customers or clients in association with general retail sales or small-scale production uses, as these uses may only have customers online or offsite.
15	4102.7.J(1), (2), (7), (8) – Keeping of Animals	In subsection J(1), add a clarification that the keeping of more than four animals not owned by the resident is considered a kennel or animal shelter. Correct a typographical error in subsection J(2). Revise the cross-reference in subsection J(7) to clarify that the types of animals allowed under Ch. 41.1 of the County Code may not be modified by special permit. In subsection J(8), add animal shelter as an activity, similar to a kennel, that may not be approved under this provision as an accessory use. Kennels and animal shelters are subject to separate provisions under the Ordinance.
16	4102.8.E(4) and (5) – Food Truck	Replace periods with semi-colons in a list for consistency with drafting conventions.

	<b>Reference (Section or subsection)</b>	<b>Description of Change</b>
17	5100.2.D(4)(b) – Corner Lots	Clarify that the setback applies to single-family detached dwellings, not accessory structures.
18	5100.2.L(1)(f) – Pipestem Lots and Setbacks	Correct typographical error in cross-reference.
19	5101.2.C – Affordable Dwelling Unit Program (Applicability/Independent Living Facilities)	Editorial revision for grammatical correction.
20	5101.4.D(3)(a) – Affordable Dwelling Unit (ADU) Calculations/Comprehensive Plan Range	Consistent with interpretation and practice, add stacked townhouses under subsection 5101.4.D(3)(a) for the ADU calculation when the Comprehensive Plan recommendation is based on Floor Area Ratio (FAR) instead of dwelling units.
21	5109.3.A(5) – Outdoor Lighting	Correct typographical error in cross-reference.
22	5109.3.C – Outdoor Lighting	Replace “Light Poles” with “Light Fixtures” in the heading because subsection (3) for the setback or shielding requirement applies to all lighting, not just pole-mounted fixtures.
23	6100.2.B(3) – Off-Street Parking/Front Yard Driveway Surfacing	Add a cross-reference to the definition of surfaced materials.
24	8100.1.B(1)(j)8 – Scheduling and Notice of Public Hearings	Correct typographical error.
25	8100.3/Table 8100.1 – Summary of Special Exceptions	Correct typographical error in cross-reference.
26	8100.10.A(2)(b) – Appeal Processing	Specify the parking of inoperative motor vehicles as a violation subject to a 10-day appeal period, consistent with the previous Zoning Ordinance.
27	8101.2.A(1)(b) – Submission Requirements/Rezoning	Correct typographical error in “district.”
28	8101.3.E – Submission Requirements/Special Permit Applications	Revise the home-based business special permit (SP) plat submission requirements to align with those of the home day care facility and revise the SP plat requirements for an increase in building height or cumulative square footage of a freestanding accessory structure to align with the requirements for a reduction in setback application, for consistency with similar application types. These were new SP application types with zMOD and not providing for consistent SP plat submission requirements was an oversight.
29	8101.4.A – Submission Requirements/Minor Site Plans	Editorial revision for the “relationship of applicant to property owner” to be item (2) instead of part of item (1).
30	8102 – Fee Schedule	Add “Accessory Uses and” to the heading for Other Special Exceptions for clarification of the types of applications.

	<b>Reference (Section or subsection)</b>	<b>Description of Change</b>
31	9100.2 – Interpretations	Add an interpretation that “may not” indicates a prohibition.
32	9102 – Definition of Commercial Vehicle	Add a cross-reference that was inadvertently omitted.
33	9102 – Definition of Height, Building	Clarify that this definition applies to principal buildings.
34	9102 – Definition of Setback	Delete “and public streets.” This was not included in the previous Zoning Ordinance as setbacks are measured from lot lines.
35	9102 – Definition of Substantial Conformance	Editorial revisions for readability. In addition, remove the reference to the specific plan types to be consistent with the definition of development plan in the new Ordinance that includes the types of development plans.
36	9102 – Definition of Zoning Compliance Letter	Revise to include providing copies of residential and nonresidential use permits which are frequently requested.
37	9103 – Definition of Group Residential Facility	Correct the structure of the last sentence.
38	9103 – Definition of Office	Delete “of commercial entities” because an office for a nonprofit entity may also be considered an office use. This phrase was not included in the previous Ordinance. Add “or activities” to reflect that administrative work need not be purely business in nature.
39	Appendix 1	Delete the reference to an index of amendments in the title because enCodePlus supports a separate amendment history table function and a listing of amendments will not be included in Appendix 1.

**Summary**

The proposed amendment corrects a number of typographical and editorial errors in the new Ordinance, resolves inconsistencies, and provides further clarification. It is recommended that the amendment become effective at 12:01 a.m. on the day following adoption.

## Proposed Text

1 In the revisions shown below, text to be deleted is identified with strike-through and text to be added is  
2 underlined. The item numbers in the INSTRUCTION boxes correspond to the numbers in the table above.

3 **#1 INSTRUCTION: Delete subsection 1104.4 and renumber the subsequent subsection.**

### 4 **1104. Ordinance Structure**

- 5
- 6 **1.** For purposes of organization, Chapter 112.1, The Zoning Ordinance, is divided into nine Articles.
  - 7 **2.** Each Article within the Zoning Ordinance is subdivided into sections. The first digit of a section  
8 number represents the Article number. For example, Section 8106 is within Article 8.
  - 9 **3.** For purposes of further organization, each section may be subdivided into subsections which are  
10 represented by such numbers as 1, 2, 3; which may be further subdivided as A, B, C...(1), (2), (3)...  
11 (a), (b), (c)...and (i), (ii), (iii), etc.
  - 12 **4.** ~~Each Article contains its own separate page numbering system. The page numbers are prefixed by  
13 the respective Article number. As an example, page 10 of Article 8 is designated page 8-10.~~
  - 14 **5.** The Zoning Ordinance should be referenced as shown below:  
15 ... as required in Article 8.  
16 ... as required in Section 8101.  
17 ... as required in subsection 8101.2.B(1).
- 18

19 **#2 INSTRUCTION: In Note [1] of Table 2102.5, delete the "(a)" as shown below.**

## 21 **B. R-2 Lot and Building Dimensional Standards**

**Table 2102.5: R 2 Lot and Building Standards**

...

### Notes:

- [1] The minimum lot area of a cluster subdivision lot is 15,000 square feet and the minimum lot width of the cluster subdivision lot is 100 feet for interior lots and 125 for corner lots if (a) any portion of a cluster subdivision lot is ~~(a)~~ located within 25 feet of the peripheral boundary of the cluster subdivision, (b) any portion of a contiguous lot located outside the cluster subdivision's peripheral boundary is zoned to a district that permits a maximum density of two du/ac or less, and (c) the contiguous lot is vacant or contains a single-family detached dwelling This does not apply if the contiguous development is zoned to the PDH-2 District, or to the R-2 District and is developed or approved for a cluster subdivision.
- [2] Open space is calculated in accordance with subsection 5100.3.A(3).
- [3] Lot width may be modified in accordance with subsection 5100.2.K.
- [4] Freestanding accessory structures are regulated by subsection 4102.7.A.

22  
23  
24  
25  
26  
27

1  
2  
3 **#3 INSTRUCTION:** Revise subsection 2105.6.C(1), under Additional Standards for the PTC District, as  
4 shown below.

5  
6 **C. Additional Standards**

7 **(1) Concurrent Applications**

8 A site plan or minor site plan may be filed concurrently with the filing of a rezoning,  
9 special exception, or special permit; however, it may not ~~be~~ approved ~~it~~ until the rezoning,  
10 special exception, or special permit application has been approved by the Board.

11 Concurrent processing will not prejudice the consideration of the application in any way.  
12

13  
14 **#4 INSTRUCTION:** Revise subsection 2105.7 under the PCC District to add new subsection C and re-  
15 letter the subsequent subsection.

16 **C. Additional Standards**

17 A Nonresidential Use Permit for a secondary use may not be granted until a Nonresidential  
18 Use Permit for the continuing care facility has been approved.

19  
20 **#5 INSTRUCTION:** Revise subsection 3101.19.C(3) within the Wellington Historic Overlay District as  
21 shown below.

22 **C. Additional Standards**

23 ...

24 **(3)** All off-street parking and loading spaces must be located outside of required minimum  
25 side and rear ~~yards setbacks~~ that abut a residential district, unless modified by the Board.  
26

27 **#6 INSTRUCTION:** Delete subsection 4102.3.C under the heading for Residential Uses as shown  
28 below; re-letter the subsequent subsections and make related corrections to other cross-references  
29 as needed; delete the reference to this standard from the row for Dwelling, Single-Family Detached  
30 in the use tables (Tables 4101.1 and 4101.2). Revise subsection 2102.1.C(1) under the heading for  
the R-A District as shown below.

31 **3. Residential Uses**

32 Household Living

33 ...

34 ~~C. Dwelling, Single-Family Detached~~

35 ~~Standards when permitted by right:~~

1 In the R-A District, a single-family detached dwelling is allowed only in conjunction with an  
2 agricultural operation.  
3

## 4 1. R-A Rural Agricultural District

5 ...

### 6 C. Additional Standards

- 7 (1) The agricultural operation, and related uses, and-or open space must occupy at least 75  
8 percent of the lot area. Single-family detached dwellings, manufactured homes, and any  
9 non-agricultural uses, accessory uses, and structures may occupy no more than 25 percent  
10 of the lot area.  
11

12 **#7 INSTRUCTION:** Correct the cross-reference in the first line of subsection 4102.4.Y(6) to refer to  
13 “this subsection Y” instead of subsection X.  
14

### 15 Y. Wireless Facility

16 ...

- 17 (6) Projects that do not meet any other provisions of this subsection XY are Standard Process  
18 Projects and are subject to the following standards, as well as subsections 4102.4.Y(5)(d)  
19 through 4102.4.Y(5)(f):  
20

21 **#8 INSTRUCTION:** Correct the reference to Chapter 43.2 of the County Code in subsection  
22 4102.5.NN(4)(b) as shown below.  
23

### 24 NN. Vehicle Fueling Station

25 ...

- 26 (4) The retail sales of food, beverages, and other frequently needed items for household  
27 consumption is allowed, in accordance with the following:  
28 (a) The maximum gross floor area devoted to such sales is 2,500 square feet; and  
29 (b) The preparation of food is not allowed, except for that allowed in a Limited Food-  
30 Service Establishment in accordance with Chapter 43.12 of the County Code or  
31 the use of microwave ovens by customers for purchased food items.  
32  
33  
34  
35  
36  
37  
38



**#9 INSTRUCTION:** Delete “is” to correct a typographical error in subsection 4102.6.B(2) as shown below.

## B. Goods Distribution Hub

- ...
- (2) Except as otherwise provided in subsection (3) below, the goods distribution hub may not exceed ~~is~~ 6,000 square feet of gross floor area in the C-3, C-4, and C-5 Districts, or 10,000 square feet of gross floor area in the C-6, C-7, C-8, PDC, and PTC Districts.

**#10 INSTRUCTION:** Revise subsection 4102.6.L(3) to list each applicable zoning district as shown below.

## L. Production or Processing

- ...
- (3) In the I-3, ~~I-4, I-5, and through~~ I-6 Districts, production or processing may include accessory retail sales as long as the retail sales area is limited to 10 percent of the gross floor area of the establishment or 1,000 square feet, whichever is smaller.

**#11, #12, #13 INSTRUCTION:** Revise the General Standards for Accessory Uses and Structures: subsection 4102.7.A(6)(b)1 to correct the cross-reference; 4102.7.A(7)(b)4 to delete swimming pool and correct a cross-reference; add subsection (7)(b)5 to address electric substation fences; and 4102.7.A(8)(c) to correct the provision to apply to gates and gateposts taller than four feet. Also, revise the standards for utility facility, light, subsection 4102.4.X(4), to include a reference to the provision for an electric substation fence in subsection 4102.7.A(7)(b)5, as shown below.

## A. General Standards for Accessory Uses and Structures

### (6) General Standards for Freestanding Accessory Structures

#### (b) Location in Side or Rear Yard

1. If the structure does not exceed eight and one-half feet in height, it may be located in any part of a side yard or rear yard, except as qualified by subsection [4102.7.A\(5\)](#) ~~5100.2.D(4)(b)~~.

### (7) Fences and Walls

#### (b) Height

4. A fence or wall that is an integral part of any accessory use, such as a tennis court ~~or swimming pool~~, may exceed the maximum height in Table 4102.4 above, if it conforms to the height and yard requirements for a freestanding accessory structure in subsection [4102.7.A\(6\)](#) ~~(5)~~ above.

- 1                   5. A fence or wall that is an integral part of an electric substation may exceed the  
2                   maximum fence or wall height in Table 4102.4 above.

3  
4                   **(8) Gates and Gateposts**

5                   Gates and gateposts may be located within any required minimum front setback as  
6                   follows:

- 7                   **(a)** Four gateposts no taller than ten feet.  
8                   **(b)** Two gates no taller than eight feet.  
9                   **(c)** Gates and gateposts that are no taller than four feet must not exceed 15 percent of  
10                  the width of the lot.

11  
12                  **X. Utility Facility, Light**

- 13                 **(4)** Light utility facility uses are not required to comply with the lot size requirements or the  
14                 bulk regulations for the zoning district where they are located. In addition, a fence or wall  
15                 that is an integral part of an electric substation may exceed the maximum fence or wall  
16                 height in accordance with subsection 4102.7.A(7)(b)5.

17  
18                 

**#14 INSTRUCTION: Revise subsection 4102.7.H(13)(d) to state that no customers or clients may be**  
19                 **permitted for general retail sales or small-scale production uses.**

20  
21                 **H. Home-Based Business**

22                 ...

23                 **Standards when permitted by special permit:**

- 24                 **(13)** The home-based business must conform to all applicable standards above, except that  
25                 the BZA may approve a special permit for a home-based business to modify one or more  
26                 of the standards as identified in the subsections below:  
27                 **(a)** Subsection (3) to allow outdoor activities such as swimming or soccer lessons;  
28                 **(b)** Subsection (5) to allow a larger area;  
29                 **(c)** Subsection (8) to allow more employees or different work hours; and  
30                 **(d)** Subsection (9) to allow more customers or clients. However, no customers or clients  
31                 are allowed for general retail sales or small-scale production uses.

**#15 INSTRUCTION: Revise subsections 4102.7.J(1), (2), (7), and (8) as shown below.**

## J. Keeping of Animals

### Standards when permitted as an accessory use:

- (1) The keeping of animals allowed under Chapter 41.1 of the County Code is allowed as an accessory use on any lot if the animals are not for the purpose of commercial breeding, boarding, or any other activity meeting the definition of a kennel or animal shelter. However, up to four companion animals not owned by the resident are allowed to be sheltered, fed, and watered in exchange for a fee, subject to the animal unit limitations set forth below. The keeping of more than four companion animals not owned by the resident is a kennel or animal shelter.
- (2) The keeping of dogs, except as a kennel, is allowed as an accessory use on any lot in accordance with the following standards:

### Standards when permitted by special permit:

- (7) The BZA may approve a special permit to modify the provisions of subsections (1-2) through (6) above, in accordance with the following:
- (8) The BZA may not approve an activity meeting the definition of a riding or boarding stable, animal shelter, or a kennel as an accessory use of property.

**#16 INSTRUCTION: Revise subsection 4102.8.E(4) and (5) which lists standards for food trucks, to replace the period with a semi-colon at the end of each subsection (a) through (c) and (a) through (h) and add an "and" after the semi-colon at the end of subsections (b) and (h).**

**#17 INSTRUCTION: Revise subsection 5100.2.D(4)(b) as shown below.**

## D. Setback Regulations

### (4) Corner Lots

The following regulations apply to corner lots:

#### (b) Rear Setback

The rear yard must meet the minimum rear setback for the district or as proffered; however, ~~the rear setback for structures~~ single-family detached dwellings that lawfully exist as of July 1, 2021, and future additions to these ~~structures on lots designed for single family detached~~ dwellings in the R-E, R-1, R-2, R-3, R-4, R-5, and R-8 Districts, the rear setback may continue to equal the dimension for the minimum side setback in effect before adoption of this Ordinance.

1 **#18 INSTRUCTION: Revise subsection 5100.2.L(1)(f) to correct the cross-reference, as shown below.**

2  
3 **L. Pipestem Lots and Setbacks**

4 (1) The Director may approve pipestem lots either as a single lot or in a group of up to five  
5 lots when necessary to achieve more creative planning and preservation of natural  
6 property features or to provide for affordable dwelling unit developments, but only in  
7 accordance with the provisions of the Public Facilities Manual and at least one of the  
8 following:

9 ...

10 (f) In conjunction with the approval of a special exception waiving minimum lot width  
11 requirements in accordance with [5100.2.K](#) ~~5100.2.J~~.

12  
13 **#19 INSTRUCTION: Revise the Applicability provisions for Independent Living Facilities in the**  
14 **Affordable Dwelling Unit Program in subsection 5101.2.C as shown below.**

15  
16 **C. Independent Living Facilities**

17 Affordable dwelling units are required ~~in accordance with~~ for independent living facilities  
18 approved by special exception or as part of a rezoning.

19  
20 **#20 INSTRUCTION: Revise subsection 5101.4.D(3)(a) to add stacked townhouses, as shown below.**

21  
22 **4. Affordable Dwelling Unit Calculations**

23 **D.** Where the Comprehensive Plan does not specify a density range in terms of dwelling units per  
24 acre, the following applies:

25 (3) If the plan specifies a square footage or floor area ratio (FAR) range for residential uses for  
26 a specific area, but no density range in terms of dwelling units per acre:

27 (a) The dwelling unit per acre density range for single-family dwelling unit developments,  
28 [stacked townhouses](#), and multifamily dwelling unit developments that do not have an  
29 elevator, or have an elevator and are three stories or less in height, is determined by  
30 dividing the residential square footage specified in the Comprehensive Plan by an  
31 average dwelling unit size for the proposed dwelling unit type within the  
32 development.

33  
34 **#21, #22 INSTRUCTION: Revise Section 5109, Outdoor Lighting, subsection 3.A(5) to correct the**  
35 **cross-references and the heading of subsection 3.C, as shown below.**

1 **A. Lighting Fixtures and Mounting**

2 (5) All outdoor lighting fixtures must be aimed, located, and maintained so as not to produce  
3 disability glare. The lighting fixtures specified in [32.A](#) and [32.B](#) above are excluded from  
4 this provision.  
5

6 **C. Height and Location of Light Fixtures ~~Light Poles~~**

7  
8 **#23 INSTRUCTION:** Revise subsection 6100.2.B(3) to reference the subsection that defines surfaced  
9 area materials, as shown below.  
10

11 **B. Parking in Residential Districts**

12 (3) In the R-1 and R-2 Districts, no more than 25 percent of any front yard and in the R-3 and  
13 R-4 Districts, no more than 30 percent of any front yard may be surfaced area for a  
14 driveway or vehicle or trailer parking area. [Surfaced area materials are defined in](#)  
15 [subsection 6100.2.C\(3\)\(b\) below](#). On a pipestem lot, the surfaced area within the  
16 pipestem driveway is not included in this limitation. In addition, these limitations may be  
17 exceeded for a surfaced area that is:  
18

19 **#24 INSTRUCTION:** Revise subsection 8100.1.B(1)(j)8 to correct a typographical error as shown  
20 below.  
21

22 **B. Scheduling and Notice of Public Hearings**

23 **(1) Required Notice for Public Hearings**

24 ...

25 8. If the application seeks to amend a previously approved rezoning, PRC plan, final  
26 development plan, special exception, or special permit affecting a portion of a  
27 property, the hearing body or its representative must also send written notice at  
28 least 15 days before a hearing to all owners of property subject to approval of an  
29 application. However, this notice is not required if the Zoning Administrator  
30 determines the proposed change is to a component or lot that does not affect the  
31 rest of the development.  
32

33 **#25 INSTRUCTION:** Revise Table 8100.1 in subsection 8100.3 to correct a typographical error to  
34 reference subsection 5100.2.K for the Waiver of Minimum Lot Size Requirements special exception  
35 application type, instead of the reference to subsection 5100.2.A(3).  
36

37 **#26 INSTRUCTION:** Revise subsection 8100.10.A(2)(b) to add #4 as shown below to include the  
38 parking of inoperative vehicles in accordance with subsection 4102.7.A(13).

1  
2 **A. Appeal Processing**

3 **(2) Time Limit on Filing**

4 **(b)** Appeals from notices of violation involving the following violations must be filed  
5 within ten days from the date of the notice by filing an appeal application with the  
6 Zoning Administrator and the BZA:

- 7 1. Occupancy of a dwelling unit in violation of subsection 4102.3.A.  
8 2. Parking a commercial vehicle in an R district or a residential area of a P district in  
9 violation of subsections 4102.1.B(2) and 4102.1.E(4).  
10 3. Parking of vehicles on an unsurfaced area in the front yard of a single-family  
11 detached dwelling in the R-1, R-2, R-3, or R-4 Districts in violation of subsection  
12 6100.2.A(3).  
13 4. Parking of inoperative vehicles, as provided in Chapter 110 of the County Code, in  
14 violation of subsection 4102.7.A(13).  
15 5. Installation of prohibited signs on private property in violation of subsection  
16 7100.5.B and subsections 7100.5.C(1) and 7100.5.C(5).  
17 6. Installation, alteration, refacing, or relocation of a sign on private property in  
18 violation of subsection 7100.3.A(1).  
19 7. Other short-term, recurring violations similar to those listed above.  
20

21 **#27 INSTRUCTION: Revise subsection 8101.2.A(1)(b) to correct a typographical error as shown**  
22 **below.**

24 **(b)** Total area of the property and each existing and proposed zoning district~~ed~~ in square  
25 feet or acres;  
26

27 **#28 INSTRUCTION: Revise subsection 8101.3.E(6) to add new subsection (a) and re-letter the**  
28 **subsequent subsections. Add new subsection 8101.3.E(9), and renumber the subsequent**  
29 **subsections.**

30  
31 **(6) Home-Based Business**

32 **(a)** The plat information required by subsections 8101.3.B(1) through 8101.3B(11),  
33 8101.3.B(13), and 8101.3.B(14).  
34

35 **(9) Increase in Height or Cumulative Square Footage of a Freestanding Accessory Structure**

36 **(a)** The plat information required by subsections 8101.3.B(1) through B(9), B(11), B(13),  
37 B(14), B(17), B(20), and the following:  
38 1. The location of parking spaces, indicating the minimum distance from the nearest  
39 property line;  
40 2. The location, type, and height of any existing and proposed landscaping and  
41 screening; and

1                   3. [A calculation on the plat showing the percentage of the required rear setback that](#)  
2                   [is covered with any accessory use and structure in accordance with subsection](#)  
3                   [4102.7.A\(5\).](#)

4                   **(b)** [Architectural depictions of the proposed structure as viewed from all lot lines and](#)  
5                   [street lines that includes building materials, roof type, window treatment, and any](#)  
6                   [associated landscaping and screening.](#)

7  
8                   **#29 INSTRUCTION:** Edit subsection 8101.4.A(1) so “Relationship of applicant to property owner;”  
9                   becomes new 8101.4.A(2) and renumber the subsequent subsections.

10  
11                   **A. Minor Site Plans**

12                   Minor site plans must include the following:

13                   **(1)** Name of applicant/firm and address; ~~relationship of applicant to property owner;~~

14                   **(2)** [Relationship of applicant to property owner;](#)

15  
16                   **#30 INSTRUCTION:** Add “Accessory Uses and” to the heading row titled “Other Special Exceptions” in  
17                   Table 8102.1: Fee Schedule.

18  
19  
20                   **#31 INSTRUCTION:** Revise subsection 9100.2 as shown below.

21  
22                   2. The words ‘must’ and ‘shall’ are mandatory [and ‘may not’ indicates a prohibition.](#)

23  
24                   **#32 INSTRUCTION:** Revise the definition of commercial vehicle in Section 9102, as shown below.

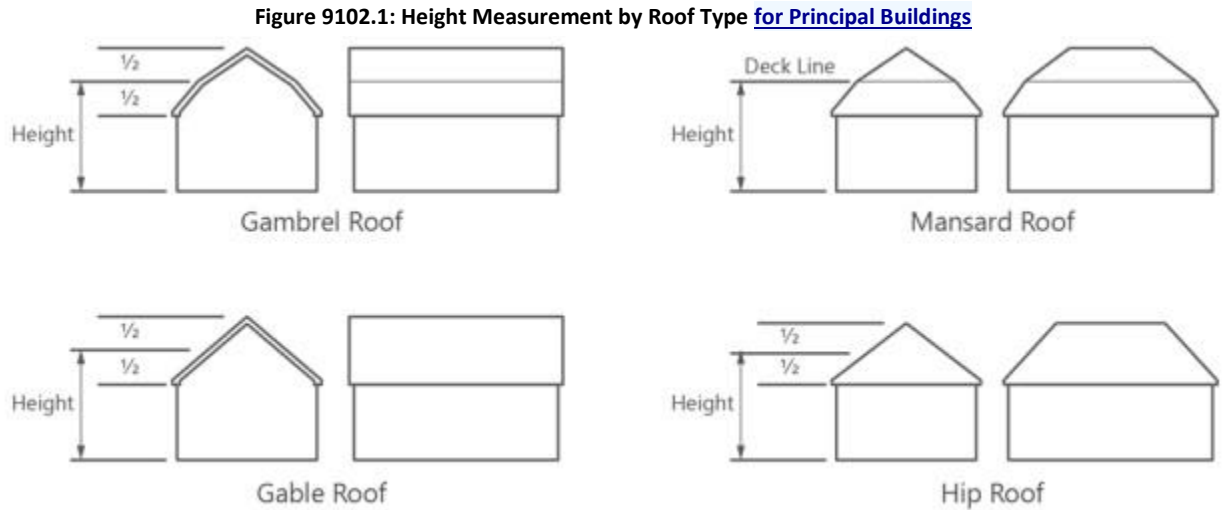
25  
26                   **Commercial Vehicle**

27                   A vehicle which bears or displays indicators that the vehicle is designed or used for commercial  
28                   purposes, including but not limited to box trucks, step vans, or vehicles specifically designed to  
29                   carry tools or specialized equipment, regardless of capacity, or which is licensed as a 'for hire'  
30                   vehicle. For the purpose of this Ordinance, commercial vehicles do not include: (1) vehicles  
31                   operated by a public agency except those vehicles set forth in [subsection 4102.1.B\(2\)](#); (2) farm  
32                   vehicles or equipment located on property used for agricultural purposes; (3) motor homes,  
33                   camping trailers, boats, boat trailers, horse trailers, or similar recreational equipment  
34                   recognized as personal property and not for hire; (4) vehicles actively providing delivery, repair,  
35                   or moving services; (5) public or private vehicles used exclusively for the transportation of  
36                   persons to and from a school, religious assembly, or related activities; (6) and vehicles primarily  
37                   used for the non-commercial transport of passengers which may display Virginia Department of  
38                   Motor Vehicles issued transportation network company identifications or other small emblems  
39                   and do not include any other commercial indicators.

40  
41                   **#33 INSTRUCTION:** Revise the definition of building height and the title of Figure 9102.1 in Section  
                  9102, as shown below.

1 **Height, Building**

2 For principal buildings, the vertical distance to the highest point of the roof for flat roofs; to the  
3 deck line of mansard roofs; and to the average height between eaves and the ridge for gable,  
4 hip, and gambrel roofs measured from the curb level if the building is not more than ten feet  
5 from the front lot line, or from the grade in all other cases.



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7  
8  
9

**#34 INSTRUCTION:** Revise the definition of setback in Section 9102, as shown below.

10 **Setback**

11 The minimum distance a building or structure must be separated from the lot lines and public  
12 streets. Setbacks are specified as front, side, and rear, and are located within the corresponding  
13 yards.

14 **#35 INSTRUCTION:** Revise the definition of substantial conformance in Section 9102, as shown  
15 below.

16  
17 **Substantial Conformance**

18 Substantial conformance is as determined by the Zoning Administrator upon consideration of  
19 the record. Substantial conformance allows ~~and means that conformance that leaves a~~  
20 reasonable margin for minor modification ~~provided that the modification is:~~

- 21 1. Consistent with and does not materially alter the character of the approved development  
22 including the uses, layout, and relationship to adjacent properties depicted on the  
23 approved special permit plat, special exception plat, conceptual development plan, final  
24 development plan, development plan, or proffered generalized or development plan;  
25 2. Consistent with any proffered or imposed conditions that govern development of the site;  
26 and  
27 3. In accordance with the requirements of this Ordinance.



1  
2 **#36 INSTRUCTION: Revise the definition of zoning compliance letter in Section 9102, as shown**  
3 **below.**  
4

5 **Zoning Compliance Letter**

6 A letter by the Zoning Administrator or agent that provides the applicable zoning of a lot, to  
7 include: (1) any approved proffered conditions, development conditions, or other zoning  
8 approvals; (2) whether any existing development on a lot is in accordance with the Zoning  
9 Ordinance; ~~and~~ (3) whether there are any pending zoning applications or zoning violations on a  
10 lot; and (4) Residential or Nonresidential Use Permits, if requested. For the purpose of this  
11 Ordinance, a request for a determination under subsection 5100.2.J ~~or for a Residential or~~  
12 ~~Nonresidential Use Permit~~ is not deemed a zoning compliance letter.

13  
14 **#37 INSTRUCTION: Revise the definition of group residential facility in Section 9103, as shown**  
15 **below.**  
16

17 **Group Residential Facility**

18 A residential facility, with one or more resident or nonresident staff persons, in which no more  
19 than: (a) eight mentally ill, intellectually disabled, or developmentally disabled persons reside,  
20 and the facility is licensed by the Virginia Department of Behavioral Health and Developmental  
21 Services; or (b) eight persons who are aged, infirm, or disabled reside and the facility is licensed  
22 by the Virginia Department of Social Services; or (c) eight persons with disabilities reside. The  
23 terms mentally ill, intellectually disabled, developmentally disabled, or persons with disabilities  
24 do not include current illegal use or addiction to a controlled substance as defined in Va. Code  
25 Sect. 54.1-3401 or as defined in Sect. 102 of the Controlled Substance Act (21 U.S.C. 802). A  
26 group residential facility is considered residential occupancy by a single household under this  
27 Ordinance in accordance with Va. Code Sect. 15.2-2291. A group residential facility does not  
28 include a group household, an assisted living facility, ~~or~~ a dwelling unit. A group residential  
29 facility also does not include, ~~or~~ a facility for more than four persons who do not meet the  
30 criteria set forth above or for more than eight disabled, mentally ill, intellectually disabled, or  
31 developmentally disabled persons, which is deemed a congregate living facility.

32  
33 **#38 INSTRUCTION: Revise the definition of office in Section 9103, as shown below.**  
34

35 **Office**

36 A building or portion of a building used for ~~the~~ professional, executive, management, financial,  
37 research, or administrative business ~~or activities of commercial entities~~. An office may also  
38 include an artist's studio, research and experimentation in a laboratory, and medical or dental  
39 services.  
40

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**#39 INSTRUCTION:** Delete “Index of Amendments and” from the title of Appendix 1.

**APPENDIX 1 - ~~INDEX OF AMENDMENTS~~  
~~AND~~ PROVISIONS RELATING TO PREVIOUS  
APPROVALS**