County of Fairfax, Virginia
Planning Commission Meeting
March 19, 2025
Planning Commission Action

ZONING ORDINANCE AMENDMENT – MINOR AND EDITORIAL REVISIONS AND CHANGES TO REFLECT VIRGINIA CODE UPDATES
(Countywide)

PLANNING COMMISSION RECOMMENDATIONS:
On March 19, 2025, the Planning Commission voted 10-0 (Commissioner Cortina was absent from the meeting) to recommend to the Board of Supervisors the following actions, as amended:

- Adoption of the proposed Zoning Ordinance Amendment for Minor and Editorial Revisions and Changes to reflect *Virginia Code* updates, including the proposed amendments to Appendix 1, as set forth in the staff report dated February 18, 2025, and revised on February 20, 2025; and

- That the amendment become effective at 12:01 a.m. the day following adoption.

The Planning Commission also voted 10-0 (Commissioner Cortina was absent from the meeting) on an amendment to the main motion to recommend that the Board of Supervisors not adopt the proposed change identified as subsection 5108.5(A)(5)(b), which reads: “Transitional screening is not required along a railroad, interstate highway, the Dulles International Airport Access Highway, or the combined Dulles International Airport Access Highway and Dulles Toll Road.”

Additionally, the Planning Commission voted 10-0 (Commissioner Cortina was absent from the meeting) on an amendment to the main motion to recommend to the Board of Supervisors the following actions:

- Remove the word “other” as it relates to composite materials in reference to Table 4102.4, which addresses the materials for fences or walls; and

- For subsection 6101.2.M(3), that “may” be replaced with “must” to read: “An adequate receiving facility must not block or restrict access to an accessible parking space or an accessible route.”

ATTACHED DOCUMENTS:
Staff Report dated February 18, 2025 and revised February 20, 2025

CD

ATTACHMENT 2

FAIRFAX COUNTY

PROPOSED ZONING ORDINANCE AMENDMENT

STAFF REPORT

Minor and Editorial Revisions and Changes to Reflect Virginia Code Updates

February 18, 2025
(Revised February 20, 2025)

Hearing Dates
Planning Commission: March 19, 2025, at 7:30 p.m.
Board of Supervisors: April 22, 2025, at 3:00 p.m.

Staff Contact
Sara Morgan, Deputy 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 711 (Virginia Relay Center).

PLANNING & DEVELOPMENT

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Background

The proposed amendment includes minor and editorial revisions including updates in accordance with state law, as outlined in Topic #10 of the current Zoning Ordinance Work Program. This is an annual Work Program item that is intended to keep the Zoning Ordinance up to date by identifying revisions necessary to correct errors, resolve inconsistencies, provide clarifications and improve readability, as well as propose other changes that are limited in scope, including revisions due to change in the State Code. Many of these revisions are identified by staff as they use the Zoning Ordinance daily.

Among other revisions, the proposed changes include requiring Affordable Dwelling Unit calculations upon submission of a rezoning or development plan application; adding freestanding emergency rooms as a type of medical care facility use based on Zoning Administrator interpretation and establishing a parking rate; allowing limited accessory on-site consumption of products in conjunction with small-scale production and production or processing uses; and allowing cremation facilities in association with a funeral home in industrial districts where they are currently allowed by right.

Proposed Changes

The proposed changes are described in the table below and are similarly numbered in the Proposed Text beginning on page 9 below.

1	2105.6.C(3) – PTC Planned Tysons Corner Urban District	Corrects cross-references that were modified during the Landscaping and Screening Zoning Ordinance Amendment (ZOA).
2	4101.3 (Table 4101.1) – Use Table for Residential, Commercial, and Industrial Districts 4101.4 (Table 4101.2) – Use Table for Planned Development Districts	Adds cross-reference to the standards for Gardening and Composting.
3	4102.2.C(4) and 4102.C(6) – Use Standards for Farm Winery, Limited Brewery, or Limited Distillery	Replaces “guests” with “attendees” to be consistent with the terminology used in the agrotourism provisions. Clarifies employees are not counted as attendees which is current practice.
4	4102.4.N(1) – Funeral Home	Allows cremation facilities in association with a funeral home when located in the I-4, I-5, and I-6 Districts. Crematories are currently permitted by right in these districts.

5	4102.5.QQ(1)(c) – Vehicle Transportation Service	Removes the transitional screening exception for vehicle transportation service in the PTC District. This subsection references use groups that were removed during the Landscaping and Screening ZOA. Instead of providing transitional screening and barrier in accordance with use groups, the Landscaping and Screening amendment introduced requirements based on Use Classification. A vehicle transportation service is a Commercial Use and is required to provide transitional screening and barrier in accordance with Table 5108.2.
6	4102.6.L – Use Standards for Production or Processing 4102.6.N – Use Standards for Small-Scale Production Establishment	Adds public area for the consumption of products produced on-site. This area would be available in the I-4, I-5, and I-6 Districts for production or processing and in the I-3 District for small-scale production. Revise percentage of floor area permitted for consumption of products and retail sales for small scale production establishment. See discussion at the end of the table for additional details.
7	4102.7.A(7)(b) (Table 4102.4) – Fences and Walls	Revises Table 4102.4 to add solid composite materials as a material option for 8-foot fences on lots along major thoroughfares. Currently the material options are solid wood or masonry only. This material requirement was originally established to address noise; however, newer materials are now available that are also designed to attenuate noise. This change also removes the requirement that the fences are located flush to the ground, as Land Development Services staff has indicated this may cause issues with site drainage. Removes the requirement for the Director to approve an 8-foot fence on reverse frontage lots abutting major thoroughfares and allow by right similar to the permission for an 8-foot fence on the side or rear lot lines that abut a major thoroughfare. Sight distance regulations for corner lots will still apply. Adds new note to clarify the location regulations allowing fences to be built up to the property line, which codifies current practice. Adds a figure illustrating the transition in fence height from front yard to side yard on a residential lot under two acres.
8	4102.7.A(7)(b) – Fences and Walls	Specifies the principal uses that may have a fence or wall that exceeds the maximum height limits. The proposed change adds a reference to the required screening of equipment for a data center in accordance with the previously adopted amendment to clarify that the screening is not subject to the maximum fence or wall height of eight feet for an industrial use.

9	5100.2.C(3) – Height Regulations	Clarifies that HVAC units are exempt from the height requirements only if they are located in a penthouse or completely screened on all four sides, the penthouse or screening is designed as an integral architectural element of the building, and it does not exceed 25 percent of the roof coverage of the building inclusive of the elements listed in 5100.2.C(2). The 25-percent limitation on roof coverage has always been applicable to rooftop mechanical equipment and this revision provides additional clarification.
10	5100.2.G – Limitation on the Number of Dwelling Units on a Lot	Allows an agricultural operation or riding or boarding stable to be located on the same lot as a dwelling. This is consistent with the definition of agricultural operations which allows for farm worker housing. Additionally, it is consistent with current practice allowing for a single dwelling on lots with a riding or boarding stable.
11	5101.2.A(1) – Affordable Dwelling Unit Program	Revises the provision for ADU applicability as related to site or portion thereof to include adjacent land (not just undeveloped) which offers clarity as an adjacent lot could be developed with a single-family dwelling which is not vacant and proposed as a redevelopment.
12	5101.9, 5101.10, 5101.11 5101.12 5101.13 – Example Calculations for a Mixed Dwelling Unit Development with Exempt Residential Building	Revises existing Affordable Dwelling Unit (ADU) calculations in subsections 5101.9 through 5101.12 to create consistency among terms used for density ranges and approval; and reformat existing calculations for improved readability. Introduces a new example ADU calculation for a Mixed Dwelling Unit Development with Exempt Residential Building in subsection 5101.13, which provides guidance on how ADUs should be calculated in a scenario where one or more of the residential buildings proposed are exempt from the ADU Ordinance. With expanding types of mixed use development, this is becoming a fairly common situation.
13	5108.5.A(5) – Transitional Screening and Barriers	Clarifies that screening is not required along a railroad, interstate highway, the Dulles International Airport Access Highway, or the combined Dulles International Airport Access Highway and Dulles Toll Road. Transitional screening was previously required to be provided for uses located across the street. However, with the Landscaping and Screening ZOA, only utility facilities and industrial uses are required to provide screening across the street.
14	6100.4.D – Minimum Required Off-Street Vehicle Parking Spaces, and Stacking Spaces	Clarifies that, in conjunction with the approval of a rezoning or special exception, the Board also has the authority to adjust the total number of stacking spaces required.

15	6101.1A, 6101.2.L, 6101.2.M, 6101.3.A, and 6101.3.C(2)	Clarifies that all structures or uses are required to provide off-street loading spaces or an adequate receiving facility and clarifies when the Director may adjust loading spaces. These sections have been reorganized and revised for readability.
16	7101.3.A(5) – Sign Regulations by Use and District	Allows other drive-through uses in addition to restaurants to have multiple electronic display ordering stations and clarifies that the ordering stations are exempt from the limitation that the sign not be white, off-white, gray, or yellow background.
17	8100.3.D(6)(1), 8100.4.D(6)(a), and 8100.6.B(5)(a)	The State Code has changed to mandate a 36-month validity period for residential projects before the application can be deemed expired. To ensure consistency and recognizing that additional time requests are often requested, the expiration of a special exception, special permit, and variance is proposed to increase from 30 months to 36 months. However, the Board or BZA may require a longer time period or a shorter time period for non-residential uses. Please note that there are instances where certain types of uses such as home child care or errors in building location which are often deemed established upon approval and would not be subject to the expiration provisions.
18	8100.7.D(9) and 8100.7.D(17)(a) and (b) – Site Plans and Minor Site Plans	Adds appropriate cross-references to subsection 6100.1.D. Revises to combine (a) and (b) and clarify that the 750 square feet is for additions if there is an accessibility improvement or other reasonable accommodation.
19	8100.9 – Residential and Nonresidential Use Permits	Adds the Director of Land Development Services (Director) in addition to the Zoning Administrator as the entities approving Nonresidential Use Permits. The Nonresidential Use Permit is signed by both the Zoning Administrator for compliance with the Zoning Ordinance and by the Building Official, as the Director's designee, for compliance with the Building Code. The Nonresidential Use Permit serves as the Certificate of Occupancy under the Building Code. This change is consistent with current practice.
20	4102.8.B(4)(i), 5104.1.B(2)(c), 8100.7.E(8), 8100.7.E(9), 8100.8.B(2), 8101.4.B(29), 8101.4.B(32), and 8101.5.A(2)	Updates cross-reference. Chapters 104 (Erosion and Sedimentation Control) and 124 (Stormwater Management Ordinance) have been consolidated into Chapter 124.1.
21	8100.10.A(2) – Appeals	Clarifies that if the 30-day filing deadline for an appeal falls on a day the County is not open for business, the filing deadline is extended to the next business day. This codifies existing practice.
22	8101.2.B, 8101.2.C(2)(w), 8101.2.D(2), and 8101.2.E(9)(a)	Requires that an Affordable Dwelling Unit calculation be provided upon submission of a Rezoning application, Final Development Plan, Development Plan, and PRC Plan. See discussion at the end of the Table for additional detail.

23	8102.1 (Table 8102.1) – Fee Schedule	Revises the Special Exception description to reference the subsections for Independent Living Facilities providing 100 percent affordable units or units that provide various percentages of units for residents falling at or below 50 percent of the Area Median Income for this area. Under the heading Application Type, Applications for a Zoning Map Amendment and Related Plan Approvals, clarifies that the $4,855 fee for a pending application for a Final Development Plan or Development Plan Amendment or PRC Plan is for an *amendment* to a pending application for a Final Development Plan or Development Plan Amendment or PRC Plan.
24	Section 9103 – Medical Care Facility Section 6100.4.A (Table 6100.2) – Medical Care Facility Minimum Parking Requirement	Revises the definition of Medical Care Facility to clarify that Freestanding Emergency Rooms is considered a type of Medical Care Facility. Adds definition for Freestanding Emergency Rooms and establishes a specific parking requirement for this type of Medical Care Facility. See discussion at the end of this Table for additional detail.
25	Section 9103 – Golf Course or Country Club and Commercial Recreation, Outdoor	Revises the definition of Golf Course and Commercial Recreation, Outdoor to codify the current Zoning Administrator interpretation that commercial driving ranges are deemed outdoor commercial recreation if not accessory to a golf course.
26	Section 9103 – Health and Exercise, Small, and Health and Exercise, Large[1]	Revises the definitions to clarify that both uses involve sports-related training and instruction. Additional edits align the two definitions so the only distinction between them is the 6,000-square-foot size threshold.
27	Section 9103 – Restaurant	Removes the reference to Chapter 27 of the County Code as this Chapter was repealed in conjunction with County Code Amendment 05-23-27.
28	Appendix 1 – Provisions Relating to Previous Approvals	While not part of the codified Ordinance, Appendix 1 – Provisions Relating to Previous Approvals, includes provisions for specific Zoning Ordinance amendments relating to applicability and previous approvals. The revisions to Appendix 1 for amendments adopted after May 10, 2023, relating to Sign Regulations and Application Fees remove previously granted exceptions as these applications would no longer fall under the filing grace periods stated. Further, the language relating to Planned District Recreational Facilities Minimum Expenditure has been revised to reflect the applicable expenditures required on or after July 1, 2024, but prior to July 1, 2025.

[1] These proposed edits to the definitions were added following the original publication of the staff report on February 18, 2025, at the direction of the Board during authorization of the public hearings.

Affordable Dwelling Units (ADU): New Calculation and Submission Requirements

The proposed changes to the ADU provisions include reformatting to improve readability and revise terms used in the examples to better reflect the terms used in Article 5101. A new example is provided for a Mixed Dwelling Unit Development when one or more of the residential buildings in the development is exempt from the ADU requirement. In the example a 100,000-square-foot multifamily building is not subject to ADUs because it is not Type 5 construction. The example states that the land area associated with the exempt use needs to be removed from the ADU calculation. This scenario has become more common with developments offering a mix of unit types. This type of example does not currently exist in the Zoning Ordinance, though it is consistent with past interpretations and practice, and its addition allows for more transparency in understanding how the number of ADUs would be calculated. Staff has met and discussed this new example with industry.

Requiring the Affordable Dwelling Unit calculation to be included in the submission of a Rezoning application, Conceptual Development Plan, Final Development Plan, Development Plan, and PRC Plan will better align expectations for both applicants and staff at the start of the development review process and consistent with current practice. This approach will allow necessary design changes to be made sooner rather than later in the process.

Freestanding Emergency Rooms

Freestanding emergency rooms are a relatively new business model that regional hospital groups have proposed to provide convenient emergency room level care in a location that is separate from a main hospital campus. Freestanding emergency rooms are open 24 hours a day, seven days a week, 365 days a year; are generally designed to accept patients via ambulance and are functionally different compared to a traditional urgent care facility, which are currently considered an office use. Examples of illness, injuries, or symptoms that could be treated at a freestanding emergency rooms include bone fractures, stroke or seizure symptoms, heart attack symptoms, trouble breathing, drug or alcohol overdose, severe allergic reactions, lacerations, cold and flu symptoms, fevers, back pain, and other situations requiring emergency care. Patient at a freestanding emergency room that need a higher level of medical care are transferred from the facility by medical transport, ambulance, or personal vehicle and admitted to a regional hospital. The proposed changes related to freestanding emergency rooms codifies previous determinations that these uses are considered a medical care facility for zoning purposes and are subject to review by the Health Care Advisory Board. A minimum parking requirement of three spaces per 1,000 square feet of gross floor area (GFA) is proposed for freestanding emergency rooms. This is the same minimum parking requirement currently applied to an urgent care facility or office containing less than 50,000 square feet of GFA. Based on staff research freestanding emergency rooms generally contain less than 50,000 square feet of GFA, and for parking purposes, function similar to an urgent care facility.

Production and Processing and Small-Scale Production

This amendment revises use-specific standards for production and processing and small-scale production uses to allow an accessory space up to 20 percent (option for the Board to consider 15 to 30 percent) of the gross floor area open to the public for the consumption of products produced on-site and limited pre-packaged food items. This area would be available in the I-4, I-5, and I-6 Districts for production or processing and in the I-3 District for small-scale production. This gives uses like a coffee

roastery, which would be considered production and processing, the ability to provide customers with a tasting room area to try their product on-site.

Summary

Overall, the proposed amendment corrects several typographical and editorial errors, resolves inconsistencies, and provides further clarification on use standards, definitions, and codifies current practice. Staff recommends that the amendment take effect at 12:01 a.m. on the day following adoption.

Proposed Text

In the revisions shown below, text to be deleted is identified with ~~strike-through~~ and text to be added is underlined. Options for consideration are provided (in parentheses, italics, and bold). When an option is presented as a range, the Board may approve any number within the advertised range. The proposed changes are based on provisions of the adopted Zoning Ordinance in effect as of December 4, 2024.

INSTRUCTION #1: Revise subsection 2105.6.C(3), PTC, Planned Tysons District to update subsection references.

6. PTC Planned Tysons Corner Urban District

...

C. Additional Standards

...

(3) Landscaping and Screening

The landscaping and screening requirements of Section 5108 will apply as follows:

(a) Subsections 5108.1 through 5108.4~~7~~, are applicable.

(b) Subsection 5108.~~5~~4 applies, except where streetscape standards are set forth in the Comprehensive Plan.

(c) Subsection 5108.~~6~~5 only applies at the peripheral boundary of the Tysons Urban Center, as identified in the Comprehensive Plan.

...

INSTRUCTION #2: Add cross reference to subsection 4102.7.A in Table 4101.1 and 4101.2.

3. Use Table for Residential, Commercial, and Industrial Districts

TABLE 4101.1: Use Table for Residential, Commercial, and Industrial Districts

P = permitted; SE = special exception; SP = special permit; blank cell = not allowed
A = allowed as accessory use only; A+ = permitted as an associated service use; AP = allowed with approval of administrative permit

Use	Residential Districts														Commercial Districts								Industrial Districts						Use-Specific Standards NOTE: General Standards also apply
	R-A	R-C	R-E	R-1	R-2	R-3	R-4	R-5	R-8	R-12	R-16	R-20	R-30	R-MHP	C-1	C-2	C-3	C-4	C-5	C-6	C-7	C-8	I-I	I-2	I-3	I-4	I-5	I-6	
Accessory Uses																													
Gardening and Composting	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	4102.7.A

4. Use Table for Planned Development Districts

TABLE 4101.2: Use Table for Planned Development Districts

✓ = permitted if shown on final development plan/PRC development plan and PRC plan;
✓/SE = permitted if shown on final development plan/PRC development plan and PRC plan, or as special exception if not on plan(s)
SE = special exception; SP = special permit; blank cell = not allowed
A = allowed as accessory use only; A+ = permitted as an associated service use;
AP = allowed with approval of administrative permit

Use	PDH		PRC					PDC		PRM		PTC	PCC		Use-Specific Standards NOTE: General Standards also apply
	Principal	Secondary	Residential	Neighborhood Convenience Center	Village Center	Town Center	Convention/ Conference Center	Principal	Secondary	Principal	Secondary		Principal	Secondary	
Accessory Uses															
Gardening and Composting		A	A	A	A	A			A		A	A		A	4102.7.A

INSTRUCTION #3: Revise subsection 4102.2.C(4) and (6) to replace "guests" with "attendees," and clarify that employees are not considered attendees.

C. Farm Winery, Limited Brewery, or Limited Distillery

Standards applicable to farm wineries, limited breweries, and limited distilleries in the R-C District:

…

(4) A farm winery, limited brewery, or limited distillery may be used for alcohol production, sales, and tastings. For the purpose of this subsection, the total number of attendees does not include employees working at public or private events or activities. In addition, the hosting of public or private events or activities is allowed in accordance with the following standards:

(a) At any one time, up to 200 ~~guests~~ attendees are allowed, or, if the primary access is from a principal arterial, up to 300 ~~guests~~ attendees are allowed, with no limit on the number or duration of events.

(b) The number of ~~guests~~ attendees may exceed the limit established in subsection (a) above during a maximum of 12 events or activities per calendar year. Each event must not exceed two days in duration.

…

(d) The Board may approve a special exception for the hosting of public or private events or activities that exceed the maximum number of ~~guests~~ attendees, or the number or duration of events or activities stated in subsections 4102.2.C(4)(a) and 4102.2.C(4)(b) above. The Board may impose conditions on the hosting of such events and activities, including conditions addressing the following:

1. The number of attendees;

2. The type, number, location, and duration of allowable activities;

…

Standards applicable to farm wineries, limited breweries, and limited distilleries in the R-A, R-E, and R-1 Districts:

…

(6) A farm winery, limited brewery, or limited distillery may be used for alcohol production, sales, and tastings. The hosting of public or private events or activities is allowed, as follows:

(a) At any one time, up to 200 ~~guests~~ attendees are allowed, or, if the primary access is from a principal arterial, up to 300 ~~guests~~ attendees are allowed, with no limit on the number or duration of events.

(b) The number of ~~guests~~ attendees may exceed the limit established in subsection (a) above during a maximum of 12 events or activities per calendar year. Each event must not exceed two days in duration.

…

(d) The Board may approve a special exception for the hosting of public or private events or activities that exceed the maximum number of ~~guests~~ attendees, or the number or duration of events or activities stated in subsections 4102.2.C(6)(a) and 4102.2.C(6)(b). The Board may impose conditions on the hosting of such events and activities, including conditions addressing the following:

INSTRUCTION #4: Revise subsection 4102.4.N(1) to allow cremation facilities in association with a funeral home only when located in the I-4, I-5, and I-6 Districts.

N. Funeral Home

Standards applicable to all funeral homes:

(1) A funeral home may not include facilities for cremation except in the I-4, I-5, and I-6 Districts.

…

INSTRUCTION #5: Delete subsection 4102.5.QQ(1)(c) to remove the transitional screening exception for vehicle transportation service in the PTC District.

QQ. Vehicle Transportation Service

Standards when permitted by right or by development plan or PRC plan

(1) In the C-6, C-7, C-8, PDC, PRC, PRM, and PTC Districts, a vehicle transportation service must comply with the following standards:

…

~~**(c)** Except in the PTC District, transitional screening and barriers must be provided in accordance with use group #9, not use group #15.~~

…

INSTRUCTION #6: Add subsection 4102.6.L(4) to allow a public area for the consumption of products produced on-site and limited pre-packaged food items to be permitted as an accessory use. Revise subsection 4102.6.N(3) to clarify referenced subsection and revise subsection 4102.6.N(8) to add subsections (a) to allow a public area for the consumption of products produced on-site and limited pre-packaged food items to be permitted as an accessory use.

L. Production or Processing

Standards when permitted by right:

…

(4) In the I-4, I-5, and I-6 Districts, an area open to the public, consisting of 20 ***(Option: 10-30)*** percent of the total gross floor area of the establishment, for the consumption of products produced on-site may be permitted as an accessory use. Any food or beverage served that is not produced on-site must be as an accompaniment to those products produced on-site and is limited to pre-packaged food items or food items that require limited preparation or reheating.

…

N. Small-Scale Production Establishment

Standards when permitted by right or by development plan or PRC plan:

…

(3) The maximum size established in subsection 4102.6.N(1) does not preclude the location of more than one establishment per lot.

…

(8) ~~In the I-3 District, retail sales may be permitted as an accessory use, if the associated retail sales area is limited to ten percent of the gross floor area of the establishment~~. In the I-3 District, the following additional standards apply:

(a) An area open to the public, consisting of 20 ***(Option: 10-30***) percent of the total gross floor area of the establishment, for the consumption of products produced on-site may be permitted as an accessory use. Any food or beverage served that is not produced on-site must be as an accompaniment to those products produced on-site and is limited to pre-packaged food items or food items that require limited preparation or reheating.

(b) Retail sales may be permitted as an accessory use, if the associated retail sales area is limited to ten percent of the gross floor area of the establishment.

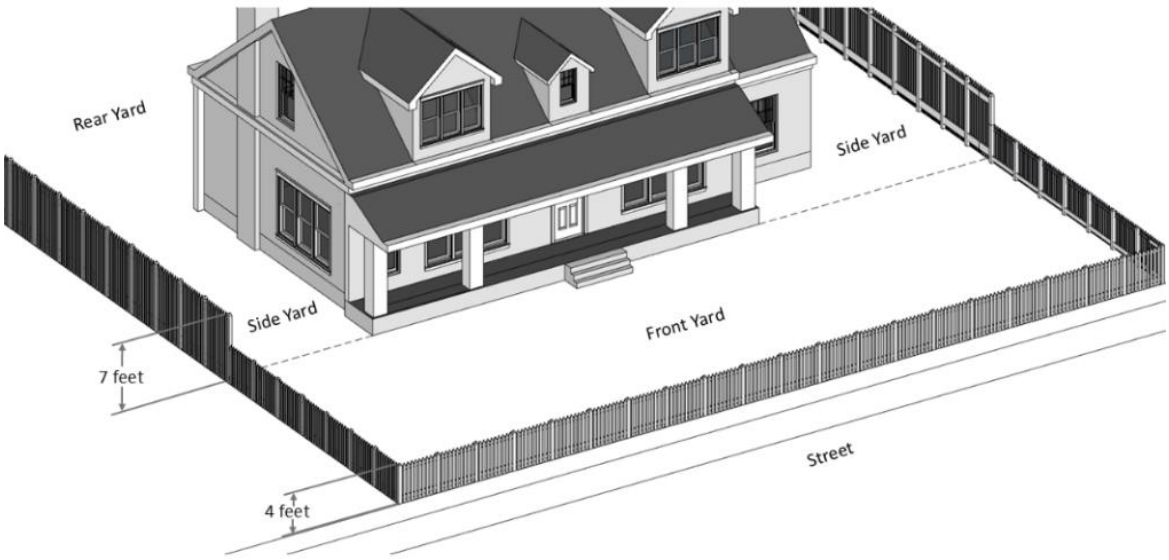
INSTRUCTION #7: Revise Table 4102.4 to add solid composite materials as a material option for 8-foot fences on lots along major thoroughfares. Remove the column denoting material requirement for fences and walls. Delete Note 2 requiring Director approval for an 8-foot fence on a reverse frontage lot and replace it with the location regulations for fences. Add Figure 4102.6 to illustrate fence height in front and side yards.

Table 4102.4: Maximum Allowed Fence or Wall Height			
Yard where Fence or Wall Located	**Location, Size, or Use of Lot**	**Material Fence or Wall Composed of**	**Maximum Allowed Height of Fence or Wall (ft.)** [2]
Front, Side, or Rear	Lot of 2 or more acres located in R-A, R-C, R-E, or R-1 Districts	No requirement	7
	Any Industrial use	No requirement	8
Front	All uses	No requirement	4
	Residential corner lot that abuts a major thoroughfare [1]	Solid wood, ~~or~~ masonry, or other composite material ~~located flush to the ground~~	8
Side or Rear	All uses	No requirement	7
	Reverse frontage lot ~~[2]~~ or where the side or rear lot line is within 150 feet of a major thoroughfare and abuts common or dedicated open space located between the lot and the major thoroughfare	Solid wood, ~~or~~ masonry, or other composite material ~~located flush to the ground~~	8

Notes:

[2] ~~The Director may approve a privacy fence or wall if it does not obstruct the view of traffic from an intersecting street and maintains the minimum sight distance acceptable to the Virginia Department of Transportation for the permitting of entrances onto a thoroughfare of the class involved.~~ Fences or walls can be built up to the lot line at the maximum allowed height.

Fig. 4102.6: Fence Height Example - Residential Lot Less Than 2 Acres



INSTRUCTION #8: Revise subsection 4102.7.A(7)(b)5 to address fences used in the screening of data centers.

A. General Standards for Accessory Uses and Structures

(7) Fences and Walls

Fences and walls must comply with the following standards:

…

(b) Height

…

5. A fence or wall may exceed the maximum fence or wall height in Table 4102.4 above when it is an integral part of: ~~A fence or wall that is an integral part of an electric substation or a wireless facility may exceed the maximum fence or wall height in Table 4102.4 above.~~

a. An electric substation;

b. A wireless facility; or

c. Screening of equipment for a data center in accordance with subsection 4102.6.A(1).

INSTRUCTION #9: Revise subsection 5100.2.C(3) to include the elements listed in 5100.2.C(2) in the 25 percent limitation on roof coverage for HVAC units.

C. Height Regulations

…

(3) HVAC units on building roofs are subject to the height limitations unless the units are located in a penthouse or are completely screened on all four sides and the penthouse or screening is designed as an integral architectural element of the building and cumulatively does not exceed 25 percent of total roof area inclusive of any structures permitted by subsection 5100.2.C(2).

…

INSTRUCTION #10: Revise subsection 5100.2.G to add agricultural operation and riding or boarding stables to the list of exceptions to the limit on the number of dwelling units on the same lot with another principal building.

G. Limitation on the Number of Dwelling Units on a Lot

(1) A maximum of one dwelling unit on any one lot is permitted. A dwelling unit may not be located on the same lot with any other principal building. This provision does not preclude:

…

(g) Agricultural operations with associated single-family detached dwelling and farm worker housing in accordance with subsection 4102.2.A; or

(h) Riding or boarding stables with associated single-family detached dwelling in accordance with subsection 4102.2.D.

INSTRUCTION #11: Revise subsection 5101.2.A(1) to include all adjacent land in the "site or portion thereof" regardless of whether it is developed or not.

A. Site or Portion Thereof

(1) For purposes of this Ordinance, "site or portion thereof at one location" includes all adjacent ~~undeveloped~~ land of the property owner or applicant, the property lines of which are contiguous or nearly contiguous at any point, or the property lines of which are separated only by a public or private street, road, highway or utility right-of-way or other public or private right-of-way at any point, or separated only by other land of the owner or applicant, which separating land is not subject to the requirements of this section.

INSTRUCTION 12: Revise Example Calculations in Subsections 5101.9, 5101.10, 5101.11 and 5101.12 to create consistency among terms used for density ranges and approval; reformat for improved readability; and add new Example Calculation by creating subsection 5101.13.

9. Example Calculations for a FAR Based Comprehensive Plan Recommendation for Single-Family Attached or Stacked Townhouse Dwelling Unit Development

A. Assumptions

The following data points are required to calculate the ADU requirement for a new single-family attached or stacked townhouse development. ~~In accordance with subsection 5101.4.A the site is subject to a 20 percent density bonus and 12.5 percent ADU requirement. The ADU requirement is calculated in accordance with subsection 5101.4.D.~~

Total Site Area: 19.92 acres (867,571 square feet)

Total Number of Single-Family Attached or Stacked Townhouse Dwelling Units: 158 units (7.93du/ac)

Comprehensive Plan Recommendation: 0.5 FAR

Average Dwelling Unit Size: 2,300 square feet

In accordance with subsection 5101.4.A, the single-family attached or stacked townhouse development is subject to:

Density Bonus: up to 20 percent

ADU requirement: up to 12.5 percent

B. Calculation of Required Affordable Dwelling Units:

Due to the Comprehensive Plan recommendation being FAR based rather than dwelling unit per acre, the 0.5 FAR recommendation must be converted using the site area in square feet, Comprehensive Plan FAR recommendation, and the average dwelling unit size provided by the applicant.

Maximum number of Dwelling Units:	=	Comp. Plan FAR Potential / Average Dwelling Unit Size	=	(Site Area x Comp Plan FAR) / Average Dwelling Unit Size		
	=	(867,571 sf x 0.5) / 2,300 sf	=	188.6 du (prior to density bonus)		

Once the maximum number of dwelling units is calculated, the maximum number needs to be applied to the subject property to determine the Comprehensive Plan ~~upper density limit~~ high end of density range. The ~~lower~~ low end of the density range ~~limit~~ is 50 percent of the ~~upper density limit~~ high end of the density range.

~~Upper Density Limit~~ High End of Density Range:	=	Maximum Number of Dwelling Units / Land Area (Acres)	=	188.6 du / 19.92 ac	=	9.47 du/ac

~~Lower Density Limit~~ Low End of Density Range:	=	~~Upper Density Limit~~ High End of Density Range / 2	=	9.47 du / 2	=	4.74 du/ac

Before calculating the ADU percentage required for the project, the adjusted high and low end must be calculated. These data points are calculated by applying the 20 percent bonus density to the high and low end of the Comprehensive Plan recommendation range.

Adjusted High End:	9.47	x	1.2	=	11.36 du/ac

Adjusted Low End:	4.74	x	1.2	=	5.69 du/ac

The ADU percentage calculation can be performed with the use of the proposed density, low end of the Comprehensive Plan recommendation, and the adjusted ranges that were calculated above.

Calculation:	**(Proposed Density – Low End of Density Range) / (Adjusted High End – Adjusted Low End)**		**x**	**12.5**	
=	(7.93 – 4.74) / (11.36 – 5.69)	x	12.5	=	7.03% ADU requirement

Therefore, 7% of the 158 single-family or stacked townhouse dwelling units are required to be ADUs.

ADUs Required:	158 du	x	7.03%	=	11.11 ADUs

* Rounded to 11 ADUs in accordance with subsection 5101.4.C.

10. Example Calculations Dwelling Units Per Acre Based Comprehensive Plan Recommendation for a Multifamily Dwelling Unit Development

A. Assumptions

The following data points are required to calculate the ADU requirement of new non-elevator or ~~three~~3-story or less multifamily development. ~~In accordance with subsection 5101.4.A, the site is subject to a 10 percent density bonus and 6.25 percent ADU requirement. (At the applicants option a~~

~~20% density bonus and 12.5 percent ADU requirement can be applied. The formula is the same as below with the replacement of bonus density and ADU requirement percentage.)~~

Total Site Area: 10 acres (435,600 ~~sf~~ square feet)

Total Number of Multifamily Dwelling Units: ~~700~~ 660 units (~~70~~ 66 du/ac)

Comprehensive Plan Density Recommendation: 1,200 ~~dus~~ dwelling units on 20 acres

In accordance with subsection 5101.4.A, the multifamily development is subject to:

Density Bonus: up to 10 percent

ADU requirement: up to 6.25 percent

At the applicant's option, a 20 percent density bonus and 12.5 percent ADU requirement can be applied.

B. Calculation of Required Affordable Dwelling Units:

Due to the Comprehensive Plan recommendation being designated for a larger area than subject property, the recommendation must be converted into a density recommendation (du/ac) for the High End of the Comprehensive Plan.

High End Comprehensive Plan ~~Rec.~~ recommendation in du/ac	=	Planned Units / Plan Area	=	1,200 du / 20 acres	=	60 du/ac

In accordance with subsection 5101.4.D, the ~~Low End~~ low end of the density range is 50 percent of the high end of the density range. Therefore, the range for this scenario becomes 30 – 60 du/ac.

Before calculating the ADU percentage required for the project, the adjusted high and low end must be calculated. These data points are calculated by applying the 10 percent bonus density to the high and low end of the Comprehensive Plan recommendation range.

Adjusted High End:	60	x	1.1	=	66 du/ac

Adjusted Low End:	30	x	1.1	=	33 du/ac

The ADU percentage calculation can be performed with the use of the proposed density, low end of the Comprehensive Plan recommendation, and the adjusted ranges that were calculated above.

Calculation:		**(Proposed Density – Low End of Density Range) / (Adjusted High End – Adjusted Low End)**			**x**	**6.25**	
	=	(~~70~~ 66 – 30) / (66 – 33)	x	6.25	=	~~7.58~~ 6.82% ADU requirement	

However, per subsection 5101.4.A, the maximum percentage of ADUs that can be required is 6.25% for the 700 multifamily dwelling units.

ADUs Required:	~~700~~ 660 dus	x	6.25%	=	~~43.75~~ 41.25 ADUs	

* Rounded to ~~44~~ 41 ADUs in accordance with subsection 5101.4.C.

11. Example Calculations for a Mixed Dwelling Unit Development

A. Assumptions

The following data points are required to calculate the ADU requirement for new development with single-family attached or stacked townhouse dwellings as well as a ~~and~~ non-elevator or 3-story or ~~and~~ less multifamily building. ~~In accordance with subsection 5101.4.A(4)(a)1, the single-family attached and stacked townhouse dwellings are subject to a 20% bonus density and 12.5% ADU requirement. In accordance with subsection 5101.4.A(4)(a)2, the multifamily is subject to a 10% density bonus and 6.25% ADU requirement.~~ Because the density bonus and ADU requirement is different for the proposed single-family attached or stacked townhouse dwellings ~~and~~ than for the multifamily units, ~~you calculate each out separately~~ the requirement for each unit type is calculated separately. ~~(At the developer's option, a 20 percent bonus density and 12.5 percent ADU requirement, may be applied. If they developer elects this option, there is no need to separately calculate the requirement for each unit type since they would have the same density bonus and ADU requirement.)~~

Total Site Area: 15.56 acres (677,793.6 ~~sf~~ square feet)

Single-Family Attached or Stacked Townhouse Area: 5.28 acres (229,996.8 ~~sf~~ square feet)

Multifamily Area: 10.28 acres (447,796.8 ~~sf~~ square feet)

Total Number of Dwelling Units: 170 units (10.93 du/ac)

Single-Family Attached or Stacked Townhouse Dwelling Units: 50 units (9.47 du/ac)

Multifamily Dwelling Units: 120 units (11.67 du/ac)

Comprehensive Plan Density Range: 8-12 dwelling units per acre (du/ac)

In accordance with subsection 5101.4, the single-family attached or stacked townhouse dwellings are subject to:

Density Bonus: up to 20 percent

ADU requirement: up to 12.5 percent

The multifamily dwellings are subject to:

Density Bonus: up to 10 percent

Possible ADU requirement: up to 6.25 percent

At the applicant's option, a 20 percent density bonus and 12.5 percent ADU requirement, may be applied. If the applicant elects this option, there is no need to separately calculate the requirement for each unit type since they would have the same density bonus and ADU requirement.

B. Calculation of Required Affordable Dwelling Units:

(1) Multifamily, in accordance with subsection 5101.4.A(2):

Before calculating the ADU percentage required for the project, the adjusted high and low end must be calculated. These data points are calculated by applying the 10 percent bonus density to the high and low end of the Comprehensive Plan recommendation range.

Adjusted High End:	12	x	1.1	=	13.2 du/ac

Adjusted Low End:	8	x	1.1	=	8.8 du/ac

The ADU percentage calculation can be performed with the use of the proposed density, low end of the Comprehensive Plan recommendation, and the adjusted range that was calculated above. The proposed density is based on the proposed multifamily units and land area associated with those units.

Calculation:	**(Proposed Density – Low End of Density Range)** / **(Adjusted High End – Adjusted Low End)**		**x**	**6.25**		
=	(11.67 – 8) / (13.2 – 8.8)	x	6.25	=	5.21% ADU requirement	

Therefore, 5.21% of the 120 multifamily dwelling units are required to be ADUs.

ADUs Required:	120 du	x	5.21%	=	6.25 ADUs

(2) Single-family Attached or Stacked Townhouses, in accordance with subsection 5101.4.A(1):

The proposed density is based on the proposed single-family attached or stacked townhouse units and land area associated with those units. Before calculating the ADU percentage required for the project, the adjusted high and low end must be calculated. These data points are calculated by applying the 20 percent bonus density to the high and low end of the Comprehensive Plan recommendation range.

Adjusted High End:	12	x	1.2	=	14.4 du/ac

Adjusted Low End:	8	x	1.2	=	9.6 du/ac

The ADU percentage calculation can be performed with the use of the proposed density, low end of the Comprehensive Plan recommendation, and the adjusted range that was calculated above.

Calculation:	**(Proposed Density – Low End of Density Range)** / **(Adjusted High End – Adjusted Low End)**		**x**	**12.5**		
=	(9.47 – 8) / (14.4 – 9.6)	x	12.5	=	3.83% ADU requirement	

Therefore, 3.83% of the 50 multifamily dwelling units are required to be ADUs.

ADUs Required:	50 du	x	3.83%	=	1.92 ADUs

Total ADUs required: 6.25 from multifamily + 1.92 single-family attached or stacked = 8.17 ADUs

* Rounded to 8 ADUs in accordance with subsection 5101.4.C.

12. Example Calculations for a Mixed-Use Development

A. Assumptions

The following data points are required to calculate the ADU requirement for new development ~~for a~~ in a mixed use development with a 300 unit, ~~four~~ 4-story multifamily building with an elevator and with more than 50 percent of required parking provided in above- or below-surface structures and a separate building containing commercial uses. ~~Per subsection 5101.4.E(3)(a)2, a 17 percent bonus density and 5 percent ADU requirement are applicable. (For developments with 50 percent or~~

~~less of the required parking is located in above or below parking structure a 6.25 percent ADU requirement is applied.)~~

Total Site Area: 18.16 acres (791,049.6 square feet)

Residential Acreage: 11.73 acre (510,959 square feet)

Commercial Acreage: 6.43 acres (280,000 square feet)

Note: The commercial land area must be removed from the site area before calculating the ADUs as only the residential land area is subject to the ADU requirement. At a minimum, the land area associated with commercial uses must be consistent with the recommendations of the Comprehensive Plan.

~~Comprehensive Plan Recommendation: 0.5 FAR~~

Total Gross Floor Area: 390,000 square feet

Residential Gross Floor Area: 250,000 square feet

Commercial Gross Floor Area: 140,000 square feet

Total Residential Unit Count: 220 units (18.76 du/ac)

Average Dwelling Unit Size: 1,136 square feet

Comprehensive Plan Recommendation: 0.5 FAR

In accordance with subsection 5101.4.B, the multifamily dwellings are subject to:

Density Bonus: up to 17 percent

ADU Requirement: up to 5 percent, with more than 50 percent of the required parking for multifamily dwelling units provided in above- or below-surface structures

ADU Requirement: For developments with 50 percent or less of the required parking located in above or below grade parking structure, the ADU requirement is up to 6.25 percent.

B. Calculation of Required Affordable Dwelling Units:

Due to the Comprehensive Plan recommendation being based on FAR ~~based~~ rather than dwelling unit per acre, the 0.5 FAR recommendation must be converted. ~~However, because there are residential and commercial uses in the same building, we must adjust the Comprehensive Plan FAR by applying the percentage of residential uses within the building.~~ In accordance with subsection 5101.4.D(3)(b) residential square footage of the 4-story multifamily building with an elevator is multiplied by 85 percent before to dividing by the average dwelling unit size to determine the dwelling unit-per-acre range.

~~Max.~~ Maximum number of Dwelling Units:	=	Comprehensive Plan FAR / Average Dwelling Unit Size	=	(Res. Site Area x ~~Max~~ Maximum FAR) x 85% / Average Dwelling Unit Size	
	=	(510,959 sf x 0.5) x 0.85 / 1,136 sf	=	191.16 du (prior to density bonus)	

Once the maximum number of dwelling units is calculated, the maximum number needs to be applied to the subject property to determine the density recommendation which, in accordance with

subsection 5101.4.D, becomes the ~~upper density limit~~ high end of density range and the ~~lower density limit~~ low end of density range is 50% of the ~~upper density limit~~ high end of density range.

~~Upper Density Limit~~ High End of Density Range:	=	~~Maximum Number~~ Maximum # of Dwelling Units / Res. Land Area (in acres)	=	191.16 du / 11.73 ac	=	16.3 du/ac

~~Lower Density Limit~~ Low End of Density Range:	=	~~Upper Density Limit~~ High End of Density Range / 2	=	16.3 / 2	=	8.15 du/ac

Therefore, the range for this scenario becomes 8.15 – 16.3 du/ac.

Before calculating the ADU percentage required for the project, the adjusted high and low end must be calculated. These data points are calculated by applying the 17 percent bonus density to the high and low end of the Comprehensive Plan recommendation range.

Adjusted High End:	=	16.3	x	1.17	=	19.07 du/ac

Adjusted Low End:	=	8.15	x	1.17	=	9.54 du/ac

The ADU percentage calculation can be performed with the use of the proposed density, low end of the Comprehensive Plan recommendation, and the adjusted range that was calculated above.

Calculation:		**(Proposed Density – Low End of Density Range) / (Adjusted High End – Adjusted Low End)**		**x**	**5**		
~~10.1/11.3~~	=	(18.76 – 8.15) / (19.07 – 9.54)	x	5	=	5.57% ADU requirement	

In accordance with subsection 5101.4.B(4) ~~Par. 5 of Sect. 2-804~~ the maximum ADU requirement is 5 percent of the 220 multifamily dwelling units.

ADUs Required:	220	x	5%	=	11 ADUs

13. Example Calculations for a Mixed Dwelling Unit Development with Exempt Residential Building

A. Assumptions

This ADU calculation is for a new development that has a mixture of single-family attached dwellings, stacked townhouses, and multifamily dwellings. The 100,000-square-foot multifamily building is not subject to ADUs because it is not Type 5 construction. The following data points are specific to the single-family attached and stacked townhouse portion of the development.

Total Site Area: 21.54 acres (938,342 square feet)

Note: In order to account for the exempt multifamily structure, use the 100,000-square-foot gross floor area to determine the site area needed to result in the Comprehensive Plan recommendation of 0.5 FAR. This results in 200,000 square feet of land area (4.59 acres) for the multifamily building. This

amount is then deducted from the overall site area to determine the applicable site area. (If the land area associated with the exempt building and required parking is larger than the land area from the above calculation, then you use the larger land area for the calculation.)

Residential Site Area: 16.95 acres (738,342 square feet) (Total land area minus land area associated with exempt use or structure)

Total Unit Count: 217 single-family attached or stacked townhouse dwelling units

Average dwelling unit size: 2,040 square feet

Proposed Density: 12.8 du/ac single-family attached or stacked townhouses

Comprehensive Plan Recommendation: 0.5 FAR

In accordance with subsection 5101.4, the single-family attached or stacked townhouse dwellings are subject to:

Density Bonus: up to 20 percent

ADU Requirement: up to 12.5 percent

B. Calculation of Required Affordable Dwelling Unit:

Due to the Comprehensive Plan recommendation being based on FAR rather than dwelling unit per acre, the 0.5 FAR recommendation must be converted using the site area in square feet, Comprehensive Plan FAR recommendation, and the average dwelling unit size provided by the applicant.

Maximum number of Dwelling Units:	=	Site Area x Max. FAR / Average Dwelling Unit Size	=	(738,342 sf x 0.5) / 2,040 sf		
			=	180.97 du		

Once the maximum number of dwelling units is calculated, the maximum number needs to be applied to the subject property to determine the Comprehensive Plan high end of the density range. The low end of the density range is 50 percent of the high end.

High End of Density Range:	=	Max. # of du / Land Area (in acres)	=	180.97 du / 16.95 ac	=	10.68 du/ac

Low End of Density Range:	=	High End of Density Range / 2	=	10.68 du/ac / 2	=	5.34 du/ac

Before calculating the ADU percentage required for the project, the adjusted high and low end must be calculated. These data points are calculated by applying the 20 percent bonus density to the high and low end of the Comprehensive Plan recommendation range.

Adjusted High End:	=	10.68	x	1.2	=	12.82 du/ac

Adjusted Low End:	=	5.34	x	1.12	=	6.41 du/ac

The ADU percentage calculation can be performed with the use of the proposed density, low end of the Comprehensive Plan recommendation as well as the adjusted range that was calculated above.

Calculation:	**(Proposed Density – Low End of Density Range) / (Adjusted High End – Adjusted Low End)**		**x**	**12.5**		
=	(12.28 – 5.34) / (12.82 – 6.41)	x	12.5	=	14.55% ADU requirement	

The maximum percentage required for the single-family portion of the development is limited to 12.5%.

ADUs Required:	217 du	x	12.5%	=	27.125 ADUs

* Rounded to 27 ADUs in accordance with subsection 5101.4.C.

INSTRUCTION #13: Revise subsection 5108.5(A)(5) to address when transitional screening is not required.

5. Transitional Screening and Barriers

A. Applicability

…

(5) ~~Transitional screening and barriers are not required between different dwelling unit types within an affordable dwelling unit development.~~ Exceptions

(a) Transitional screening and barriers are not required between different dwelling unit types within an affordable dwelling unit development.

(b) Transitional screening is not required along a railroad, interstate highway, the Dulles International Airport Access Highway, or the combined Dulles International Airport Access Highway and Dulles Toll Road.

…

INSTRUCTION #14: Revise subsection 6100.4.D, to establish that the Board may reduce the total number of stacking spaces required for a structure or use.

4. Minimum Required Off-Street Vehicle Parking Spaces, and Stacking Spaces

…

D. Stacking Spaces

…

(5) In conjunction with the approval of a rezoning or special exception, the Board may adjust the number of stacking spaces required when it has been demonstrated that the site design, or location does not warrant the number of spaces required, and that the adjustment will not adversely affect pedestrian or vehicular circulation on the site or the adjacent area.

INSTRUCTION #15: Revise Section 6101, Off-Street Loading, subsections 6101.1A, 6101.2.L, 6101.2.M, 6101.3.A, and 6101.3.C(2) to clarify that all structures or uses are required to provide off-street loading spaces or an adequate receiving facility, and to clarify when the Director may adjust loading spaces.

1. Applicability

A. Applicability

All structures and uses must provide off-street loading spaces in accordance with this section. Any structure or use that does not require a loading space must provide an adequate receiving facility.

…

2. General Provisions

…

L. Calculation of required loading spaces is as follows:

(1) If the structure is under 10,000 square feet of gross floor area, no loading space is required; however, an adequate receiving facility must be provided. ~~and adequate receiving facilities are required in accordance with subsection 6101.2.M.~~

(2) If the structure is over 10,000 square feet of gross floor area, the entire square footage of the structure is used to determine the loading requirement. When the calculated number of spaces results in a number containing a fraction, the required number of spaces is rounded down when the fractional unit is less than 0.5 and is rounded up when the fractional unit is equal to or greater than 0.5. If the calculation does not require a loading space an adequate receiving facility must be provided.

M. Adequate receiving facilities are not required to meet the size restrictions for loading spaces in subsection 6101.2, if it can be demonstrated to the Director that a smaller loading space is sufficient for loading activities without encroaching into, or interfering with traffic circulation, drive aisles or other parking spaces. ~~An adequate receiving facility is required for all structures under 10,000 square feet of gross floor area that the Director determines are likely to receive or make deliveries from vehicles of a size or at a frequency that may interfere with vehicle parking or circulation on the parcel.~~

(1) Adequate receiving facilities, as determined by the Director, may include, but are not limited to:

(a) Reserved parking space sufficient for loading activities.

(b) A pull off area along the curb that does not restrict vehicular movement.

(c) An area within the structure designated for loading activities.

(d) An undeveloped area of the parcel not designated for parking or landscaping and not necessary for vehicle, pedestrian, or bicycle circulation.

~~Adequate receiving facilities are not subject to the size restrictions for loading spaces in subsection 6101.2, if it can be demonstrated to the Director that a smaller loading space is sufficient for loading activities without encroaching into, or interfering with traffic circulation, drive aisles or other parking spaces.~~

(2) An adequate receiving facility must be located near an entrance to the building.

~~Adequate receiving facilities, as determined by the Director, may include, but are not limited to, the following:~~

~~**(a)** Reserved parking space sufficient for loading activities.~~

~~**(b)** A pull off area along the curb that does not restrict vehicular movement.~~

~~**(c)** An area within the structure designated for loading activities.~~

~~**(d)** Undeveloped areas of the parcel not designated for parking or landscaping and not necessary for vehicle, pedestrian, or bicycle circulation.~~

(3) An adequate receiving facility may not block or restrict access to an accessible parking space or an accessible route. ~~An adequate receiving facility must be located near an entrance to the building.~~

(4) ~~An adequate receiving facility may not block or restrict access to an accessible space.~~

3. Minimum Required Off-Street Loading Spaces

A. Minimum off-street loading spaces accessory to the listed uses classifications as defined in Table 6101.1 must be provided in accordance with the following table~~; however, there is no loading space required for a structure with less than 10,000 square feet of gross floor area~~:

…

C. The Director, as part of a site plan, may adjust the number of loading spaces required by this section when the applicant has demonstrated to the Director's satisfaction that:

…

(2) Adequate receiving facilities as described in subsection 6101.2.M, meet the delivery needs of the use. ~~are provided in accordance with subsection 6101.2.M~~

INSTRUCTION #16: Adding subsection 7101.3.A(5) to address all uses with a drive-through and specify which electronic display sign standards are applicable to ordering signs.

3. Signs in Commercial and Industrial Districts

A. Signs Allowed in Commercial and Industrial Districts

…

(5) Signs Related to a ~~Restaurant~~ Use with a Drive-Through

…

(c) Ordering stations are not subject to the electronic display sign standards in subsection 7101.1.A(1) and 7101.1.A(3).

INSTRUCTION #17: Revise Sections 8100.3, 8100.4, and 8100.6 to increase the number of months a use approved by special exception, special permit, or variance has to establish said use from 30 months to 36 months; and restructure the provisions to be consistent with one another.

8100.3.D(6)(a):

(6) Expiration of a Special Exception

(a) ~~Unless the Board approves additional time, a~~An approved special exception use must be established or any approved construction must be commenced and diligently pursued within the time specified by the approval, or, if no time was specified, then within ~~30~~ 36 months from the approval date of the special exception. Otherwise, the special exception will automatically expire without notice, unless additional time is approved by the Board.

8100.4.D(6)(a):

(6) Expiration of a Special Permit

(a) An approved special permit use ~~approved by the BZA~~ must be established or any approved construction must be commenced and diligently pursued within the ~~specified~~ time specified by the approval, or, if no time was specified, then within ~~30~~ 36 months from the approval date of the special permit~~, unless additional time is approved by the BZA to establish the use and commence construction~~. Otherwise, the special permit will automatically expire without notice, unless ~~a request for~~ additional time is ~~filed~~ approved by the BZA.

8100.6.B(5)(a):

(5) Expiration of a Variance

(a) The activity approved by the variance must be established or any construction ~~approved~~ must be commenced and diligently pursued within the time specified by the approval ~~BZA~~, or, if no time was specified, then within ~~30~~ 36 months from the approval ~~granting~~ date of the variance.~~,~~ Otherwise, the variance will automatically expire without notice, unless additional time is approved by the BZA ~~in accordance with the provisions below~~.

INSTRUCTION #18: Revise subsection 8100.7.D(9) to include a reference to subsection 6100.1.D; Revise subsection 8100.7.D(17)(b) to combine (a) and (b) as well as clarify that an excess of 750 square feet of gross floor area is allowed if there is an ADA improvement and reletter accordingly.

7. Site Plans and Minor Site Plans

D. Uses Exempt from a Site Plan or a Minor Site Plan

(9) A change to a use with a greater parking requirement than the previous use requires submission and approval of a parking tabulation in conformance with subsection 6100.1.D, to demonstrate that the number of existing parking spaces on-site meets the minimum off-street parking requirements for all uses. Parking tabulations must be submitted on forms provided by the Director, certified by an engineer or land surveyor authorized by the State, and include the written consent of the property owner. For condominiums, written consent must be provided in accordance with Section 8105.

…

(17) Antennas and satellite earth stations; accessory outdoor storage and display; and additions and alterations to existing uses and site modifications which may include, but are not limited to, changes or additions to decks, patios, concrete slabs, vestibules, loading docks, mechanical equipment, storage structures, generators, walkways, landscaping, paving, electric vehicle charging stations, and light poles or lighting fixtures. All such uses or activities must not:

~~(a) Exceed 500 square feet of gross floor area or 2,500 square feet of disturbed land area as defined in Chapter 104 of the County Code;~~

~~(b) Exceed an addition 750 square feet of gross floor area or 2,500 square feet of disturbed land area as defined in Chapter 104 of the County Code for additions and alterations to provide an accessibility improvement or other reasonable accommodation;~~

(a) Exceed 500 square feet of gross floor area or 750 square feet of gross floor area if the addition or alteration is to provide an accessibility improvement or other reasonable accommodation or exceed 2,500 square feet of disturbed land area as defined in Chapter 124.1 of the County Code;

…

INSTRUCTION #19: Revise subsection 8100.9 to add "and Director" after Zoning Administrator.

9. Residential and Nonresidential Use Permits

A. Permit Required for Occupancy or Use

…

(2) A Residential or Nonresidential Use Permit, whichever applies, must be obtained from the Zoning Administrator and Director before any person may:

…

(4) After written application for a Residential or Nonresidential Use Permit is submitted to the Zoning Administrator and Director, the permit will be issued if it conforms with this Ordinance, including subsection 8100.9.B, all other applicable laws and ordinances, proffered conditions, and conditions of special exceptions, special permits, or variances, as certified to the Zoning Administrator and Director and by the officers, bodies, or agencies responsible for the administration of such laws and ordinances~~, and the requirements of subsection 8100.9.B~~.

…

E. Revocation of Permit

The Zoning Administrator and Director may revoke an approved Residential or Nonresidential Use Permit when the Zoning Administrator and Director determine~~s~~ that the approval was based on a false statement or misrepresentation of fact by the applicant, or as provided for in Section 8106.

INSTRUCTION #20: Revise subsections 4102.8.B(4)(i), 5104.1.B(2)(c), 8100.7.E(8), 8100.7.E(9), 8100.8.B(2), 8101.4.B(29), 8101.4.B(32), and 8101.5.A(2) to replace references to Chapter 104 and Chapter 124 with references to Chapter 124.1.

4102.8.B(4)(i):

(i) The operation of a community garden cannot create an erosive condition, as identified in Chapter ~~104~~ 124.1 of the County Code. A Conservation Plan approved by the Northern Virginia Soil and Water Conservation District is recommended for gardens of not more than 5,000 square feet in area and is required for gardens greater than 5,000 square feet in area. All activity in and around the garden must adhere to the recommendations of the Plan to preclude the development of erosive conditions.

5104.1.B(2)(c):

(c) Must include siltation and erosion control measures in accordance with Chapter ~~104~~ 124.1 of the County Code.

8100.7.E(8):

(8) An adequate drainage system for the disposition of storm and natural water must be installed in accordance with Chapter ~~124~~ 124.1 of the County Code and the Public Facilities Manual. Appeals of decisions made under Chapter ~~124~~ 124.1 of the County Code which are appealable must be processed in accordance with Article 7 of Chapter ~~124~~ 124.1.

8100.7.E(9):

(9) Adequate temporary and permanent erosion and sedimentation control measures must be installed in accordance with Chapter ~~104~~ 124.1 of the County Code and the Public Facilities Manual.

8100.8.B(2):

(2) If required by Chapter ~~104~~ 124.1 of the County Code, a building permit will not be issued for any structure until a conservation plan has been approved by the Director in accordance with Chapter ~~104~~ 124.1 and the Public Facilities Manual.

8101.4.A(10):

(10) Delineation of any Resource Protection Area and Resource Management Area, buildable areas on each lot, description of existing or proposed outfall system and how stormwater quality, quantity, and detention will be accommodated in accordance with the Public Facilities Manual, Chapter 118 and Chapter ~~124~~ 124.1 of the County Code;

8101.4.B(29):

(29) A tree conservation plan that addresses the tree conservation and vegetation preservation requirements of Chapter~~s 104 and 122~~ 124.1 of the County Code and the policies and requirements of the Public Facilities Manual;

8101.4.B(32):

(32) Provisions for the adequate disposition of natural and stormwater in accordance with Chapter ~~124~~ 124.1 of the County Code and the Public Facilities Manual, indicating the location, size, type, and grade of ditches, catch basins, and pipes and connections to existing drainage systems, existing and proposed storm drainage easements, and on-site stormwater detention and water quality control facilities where deemed appropriate and necessary by the Director;

8101.5.A(2):

(2) When the building or structure does not require site plan approval but will require approval of a site-related plan (e.g., grading plan or conservation plan) in accordance with subsections 5104.1.A and 5104.1.B, a plan, certified by a land surveyor, engineer, landscape architect, or architect authorized by the State to practice as such, must be submitted that includes siltation and erosion control measures in conformance with Chapter ~~104~~ 124.1 of the Code, and contains the information listed in subsection (3) below. The required number of copies of the form and plan will be determined by the Director; or

INSTRUCTION #21: Add clarifying language to subsection 8100.10.A(2) regarding how the filing period is handled when the filing date occurs on a day the County is closed.

10. Appeals

A. Appeal Processing

…

(2) Time Limit on Filing

…

(d) If the time limit on filing in subsection 8100.10.A(2)(a) and (b) above falls on a day the County is closed, the filing deadline is extended to the next business day.

INSTRUCTION #22: Revise subsection 8101.2.B to add a requirement for the Affordable Dwelling Unit calculation to be included on the plans submitted for a Rezoning application; revise subsection 8101.2.C(2)(w) to add a requirement for the Affordable Dwelling Unit calculation to be included on the plans submitted for a Final Development Plan; and revise subsection 8101.2.D(2) to add a requirement for the Affordable Dwelling Unit calculation to be included on the plans submitted for a PRC Development Plan.

8101.2.B:

(25) Provide statement as to whether ADUs are required or exempt in accordance with Section 5101. Provide ADU calculation if ADUs are required.

8101.2.C(2)(w):

(w) In the PDH, PDC, PRM, and PCC Districts, a table with the following data, when applicable to a given development plan:

…

8. Provide statement as to whether ADUs are required or exempt in accordance with Section 5101. Provide ADU calculation if ADUs are required.

8101.2.D(2):

(k) Provide statement as to whether ADUs are required or exempt in accordance with Section 5101. Provide ADU calculation if ADUs are required.

8101.2.E(9)(a):

6. Provide statement as to whether ADUs are required or exempt in accordance with Section 5101. Provide ADU calculation if ADUs are required.

INSTRUCTION #23: Revise the application type description contained in Table 8102.1 for Independent Living Facilities to those providing 100% ADUs or per subsection 4102.4.Q(10)(c) and revise the application type description in Table 8102.1 to clarify that it is an amendment to a Pending Application would also be subject to this fee.

TABLE 8102.1: FEE SCHEDULE This table includes standard fees related to approvals under the Zoning Ordinance. Additional fees may apply related to review or approval by other County departments or governmental or quasi-governmental agencies, or in accordance with Appendix Q of the County Code.	
APPLICATION TYPE	**FEE [1]**
SPECIAL EXCEPTIONS [2]	
~~Independent Living Facilities for Low Income Tenants per Subsection 4102.4.Q(10)(c) [3]~~ Independent Living Facilities in accordance with subsection 4102.4.Q(10)(b) or (c) [3]	$1,295
AMENDMENTS TO PENDING AND PREVIOUSLY APPROVED APPLICATIONS AND EXTENSIONS OF TIME [4][5]	
Applications for Zoning Map and Related Plan Approvals	
Amendment to a pending ~~Pending~~ Application for a Final Development Plan or Development Plan Amendment or PRC Plan	$4,855

INSTRUCTION #24: Revise the minimum parking requirement for a Medical Care Facility contained in Table 6100.2, to establish minimum required parking for a Freestanding Emergency Room. Revise the definition of Medical Care Facility in Section 9103, to clarify that Freestanding Emergency Rooms are considered a type of Medical Care Facility.

Medical Care Facility	**Hospital:** 2.9 spaces per bed licensed by the State **Freestanding Emergency Room:** 3 spaces per 1,000 square feet of gross floor area **Institution providing intensive special medical or mental care:** 1 space per 2 patients **Assisted Living or Nursing Facility:** 1 space per 3 residents

Medical Care Facility

Any institution, place, building, or agency that offers or provides health services and medical, psychiatric, or surgical care to two or more persons, primarily as inpatients, suffering from a health condition, illness, disease, injury, or other physical or mental condition, including but not limited to persons with disabilities. For the purposes of this Ordinance, this term includes a hospital, freestanding emergency room, assisted living facility, nursing facility, and other facilities that may be described as a behavioral health care facility, intermediate/extended care facility, medical school, and other similar institutions or facilities. This term does not include a congregate living facility, continuing care facility, group residential facility, independent living facility, or a medical laboratory. A physician's office, ~~first aid station~~ a medical office providing out-patient services, or an urgent care facility for emergency medical or surgical treatment, ~~medical laboratory~~ that does not operate 24 hours a day and is not designed to receive patients by ambulance, ~~or medical office providing out-patient services.~~ are considered office uses.

…

Freestanding Emergency Room

A freestanding facility, that is located off-site from a hospital campus, offers emergency medical care services under the supervision of licensed emergency medical physicians and their staff, operates 24 hours a day, 365 days a year, and is designed to receive patients by ambulance.

…

INSTRUCTION #25: Revise the definitions of Golf Course or Country Club and Commercial Recreation, Outdoor, contained within Section 9103, to include golf driving ranges.

Golf Course or Country Club

A tract of land designed with a course containing nine or more holes for playing the game of golf and improved with tees, greens, fairways and hazards, ~~or an area designed for driving golf balls into an open area for collection and reuse.~~ This use may include one or more structures containing a clubhouse, restaurant, meeting facilities, lounges, snack bars, swimming pool, tennis ~~or squash~~ courts, shelters, and maintenance facilities. This use may include accessory putting and chipping greens or driving range but may not include a miniature golf course in which only golf putters are used.

Commercial Recreation, Outdoor

A commercial facility devoted to passive or active recreation where activities predominately take place outdoors. Examples of this use include outdoor swimming pools, outdoor athletic fields or courts, outdoor shooting ranges, outdoor golf driving ranges when not associated with a golf course, and similar facilities where the predominant recreation activity takes place outside of a building. This use does not include any use meeting the definition of a golf course or country club or quasi-public parks, playgrounds, and athletic fields.

INSTRUCTION #26: Revise the definitions of Health and Exercise Facility, Large, and Health and Exercise Facility, Small, contained in Section 9103, to clarify that both uses involve sports-related training and instruction. Additionally, edits align the two definitions, so the only distinction between them is the 6,000-square-foot size threshold.[1]

Health and Exercise Facility, Large

An indoor facility exceeding a gross floor area of 6,000 square feet ~~,other than a small health and exercise facility,~~ where patrons participate in exercise or similar activities designed to improve ~~and~~ or preserve physical fitness or athletic skills. Examples include~~, including~~ health clubs~~, and~~ gyms, yoga studios, cycling and other fitness classes, karate and martial arts instruction, sports-related training and instruction, and other similar uses. Accessory uses to serve the members may include child care, restaurant, retail sales, massage therapy, and personal service. This definition does not include a community center or specialized instruction center.

Health and Exercise Facility, Small

An indoor facility having a maximum gross floor area of 6,000 square feet where patrons participate in exercise or similar activities designed to improve ~~and~~ or preserve physical fitness or athletic skills~~, including health clubs, fitness classes, training, and instruction~~. Examples include health clubs, gyms, yoga studios, cycling and other fitness classes, karate and martial arts instruction, sports-related training and instruction, and other similar uses. Accessory uses to serve the members may include child care, restaurant, retail sales, massage therapy, and personal service. This definition does not include a community center or ~~a~~ specialized instruction center.

INSTRUCTION #27: Amend the definition of restaurant contained in Section 9103, to remove the reference to Chapter 27 as it was repealed.

Restaurant

An establishment whose primary business is to prepare and sell food or beverages in a ready-to-consume state for consumption on or off the premises. A restaurant with drive-through, carryout restaurant, convenience store, or craft beverage production establishment as defined herein, is not considered a restaurant.

This use does not include a snack bar or refreshment stand at a public or non-private recreational facility that is operated solely by the agency or group operating the recreational facility as an accessory use for the convenience of the patrons of the facility. Entertainment that is provided for the enjoyment of the patrons and is incidental to the principal dining function may be considered accessory to a restaurant. ~~This entertainment may include dancing by patrons, subject to the licensing requirements of Chapter 27 of the County Code.~~

[1] These proposed edits to the definitions were added following the original publication of the staff report on February 18, 2025, at the direction of the Board during authorization of the public hearings.

INSTRUCTION #28: Remove subsection 2.B(2) from Appendix 1 as shown below and renumber accordingly. In subsection 2.B(4) of Appendix 1, delete provisions related to previous approvals for zoning application fees, revise the language relating to Planned District Recreational Minimum, and renumber/reletter as follows.

APPENDIX 1 - PROVISIONS RELATING TO PREVIOUS APPROVALS

2. Specific Provisions Regarding Previous Approvals

B. Amendments Adopted After May 10, 2023

~~**(2) Sign Regulations (ZO 112.2-2023-3)**~~

~~A comprehensive sign plan accepted for review by September 26, 2023, and approved before March 1, 2024, and any subsequent sign permit application based on the approval are entitled to continue under that approval. A comprehensive sign plan (including amendments to a previously approved comprehensive sign plan) that is accepted for review after September 26, 2023, or is not approved by March 1, 2024, is subject to the special exception provisions of Section 7102.~~

~~(4)~~ (3) ~~Zoning Application Fees and~~ Planned District Recreational Minimum Expenditure (ZO 112.2-2024-7)

~~**(a)** Any application filed before July 1, 2024, is subject to the previous applicable zoning application fee. Any application filed on or after July 1, 2024, if subject to the new application fee.~~

~~**(b)**~~ **(a)** Any rezoning application or proffered condition amendment application proposing to add dwelling units in the PDH, PDC, PRM, and PTC zoning districts that is filed before July 1, 2024, is subject to the previous $1,900 per dwelling unit minimum expenditure for recreational facilities.

(b) Any rezoning or proffered condition amendment application proposing to add dwelling units in the PDH, PDC, PRM, and PTC zoning districts that is filed on or after ~~the effective date~~ July 1, 2024, but prior to July 1, 2025, is subject to the minimum expenditure for recreational facilities of $2,150 per dwelling unit. Any rezoning or proffered condition amendment application proposing to add dwelling units in the PDH, PDC, PRM, and PTC zoning districts that is filed on or after July 1, 2025, is subject to the minimum expenditure for recreational facilities of $2,400 per dwelling unit.