

ZO 112.2-2024-6

ADOPTION OF AN AMENDMENT TO CHAPTER 112.2

(ZONING)

OF THE 1976 CODE OF THE COUNTY OF

FAIRFAX, VIRGINIA

At a regular meeting of the Board of Supervisors of Fairfax County, Virginia, held in the Board Auditorium, Lobby Level, Government Center Building, 12000 Government Center Parkway, Fairfax, Virginia, on Tuesday, March 19, 2024, the Board after having first given notice of its intention so to do, in the manner prescribed by law, adopted an amendment to Chapter 112.2 (Zoning) of the 1976 Code of the County of Fairfax, Virginia, said amendment so adopted being in the words and figures following:

BE IT ORDAINED BY THE BOARD OF SUPERVISORS OF FAIRFAX COUNTY, VIRGINIA:

Amend Chapter 112.2 (Zoning Ordinance), as follows:

Revise subsection 2105.3.B(4)(b) to add “dwelling” after “stacked townhouse” and revise subsections 2105.3.B(4)(b), 2105.5.A, 4102.8.H(2)(c), 8100.2.E(4)(a)1b, and 8101.4.B(41) to replace “multiple family” with “multifamily,” as shown below. Similarly, replace any other instances of “multiple family” with “multifamily” throughout the Zoning Ordinance.

2105.3.B(4)(b):

- (b) In computing density, the following factors are used: A factor of 3.0 persons per single family detached dwelling; 2.7 persons per single-family attached dwelling or stacked townhouse dwelling; and 2.1 persons per multifamily dwelling.

2105.5.A:

A. Purpose

The PRM District provides for high density, multifamily residential development (generally with a minimum density of 40 dwelling units per acre) and for mixed use development consisting primarily of multifamily residential development (generally with a density of at least 20 dwelling units per acre), with secondary office or other commercial uses.

...

4102.8.H(2)(c):

- (c) On lots developed with single-family attached, stacked townhouse, or multifamily dwellings, for a period not to exceed seven consecutive days within a six-month period.

8100.2.E(4)(a)1b:

1. For single section developments, or multiple section developments where required recreational facilities are to be provided in the first section of the development, facilities must have an executed security package before:
 - a. Final subdivision plat approval for single-family dwelling developments; or
 - b. Issuance of construction permits for multifamily dwelling developments, single-family attached dwelling developments not subject to subdivision approval, or combination single-family attached dwellings subject to subdivision approval and multifamily dwelling developments.

8101.4.B(41):

- (41) Identification that the development is subject to the Affordable Dwelling Unit Program provisions of Section 5101, with the specific lots or dwelling units that are affordable dwelling units designated on the site plan. However, in the case of a multifamily development which is under single ownership and is a rental project,

the affordable dwelling units need not be specifically identified; instead, the number of affordable dwelling units by bedroom count and the number of market - rate dwelling units by bedroom count must be noted on the site plan. For multiple section developments where not all the required affordable dwellings units are to be provided in the first section of the development, the site plan for the first section and all subsequent sections must contain a notation identifying in which section(s) the affordable dwelling units will be or have been provided and a total of all affordable dwelling units for which such site plan(s) have been approved. Additionally, at the time of site plan submission, the owner or applicant must submit an affidavit that includes:

Revise subsection 2105.3.B(4)(d) to add “per acre” after “13 persons.”

- (d) In computing average density on any development plan, subsequent PRC plan, or final plat of a part of a PRC District, the density may include any excess in land area over that required to support an average density of 13 persons per acre in any previously recorded final plat. As each plan and subsequent final plat is submitted, the overall density of all areas shown on recorded final plats within the PRC District is recomputed so that the average density within the recorded plats of sections of the PRC District will never exceed a density of 13 persons per acre.

Revise Table 3103.1 to include a 'P' for uses in the Agricultural and Related Uses classification and to include Agritourism as a use.

Table 3103.1: Noise Compatibility Table

For KEY to table, refer to subsection 3103.2.E, Use Limitations

Use	Noise Impact Areas (DNL dBA)		
	75+	70-75	65-70
AGRICULTURAL AND RELATED USES			
Agricultural Operation	P	P	P
Agritourism	P	P	P
Farm Winery, Limited Brewery, or Limited Distillery	P	P	P
Stable, Riding or Boarding	P	P	P

Revise Table 4101.1 to revise the permissions for personal service establishments from an associated service use to permitted in the C-1 through C-4 Districts.

TABLE 0.1: 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				
	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-1	I-2	I-3	I-4	I-5	I-6	NOTE: General Standards also apply				
COMMERCIAL USES																																	
Error! Reference source not found.: businesses that primarily provide routine business support functions for the day-to-day operations of other businesses or frequent or recurrent needed services of a personal nature to individuals																																	
Personal Service														A+	A+		P	P	P	P	P	P	P					A+	A+	A+	A+	A+	Error! Reference source not found. Error! Reference source not found.

Revise subsection 4102.1.I to include a standard to indicate that the Zoning Administrator may deny the renewal of an administrative permit if it does not meet Zoning Ordinance provisions or if there is evidence of noncompliance by the applicant, as shown below.

I. Standards for Administrative Permit Approvals

- (1) The County may inspect the property during reasonable hours and in accordance with subsection 8106.2.D.
- (2) The Zoning Administrator may revoke an administrative permit at any time or deny the renewal of such permit if the owner or operator of the use fails to comply with all requirements of the law with respect to maintenance and conduct of the use and all conditions imposed by the Zoning Administrator in connection with the permit.
- (3) The Zoning Administrator will issue a notice to the owner or operator, hand-delivered or mailed, return receipt requested, setting forth the grounds upon which the permit was revoked or not renewed and the date and time the revocation or nonrenewal took effect and describing the appeals procedure. Upon receipt of the notice, operation of the activity must cease.
- (4) These provisions do not preclude the use of any other remedy prescribed by law or by this Ordinance with respect to violations of this Ordinance.

Revise subsection 4102.2.D(6) to correct a typographical error in a cross-reference, as shown below.

- (6)** The Board or BZA may modify or waive the setback requirements of subsection (4) or (5) above as follows:

Revise subsections 4102.4.Q(17), 4102.4.Q(17)(c), and 4102.4.Q(17)(e), to replace “low-income residents,” “low-income tenants,” and “tenants” with “residents,” as shown below.

4102.4.Q(17):

- (17)** The following additional standards also apply to any independent living facility that rents dwelling units to residents where at least 70 percent of the dwelling units are to be provided for residents whose annual household income does not exceed 50 percent of the AMI and not more than 30 percent of the dwelling units are provided for residents whose annual income does not exceed 70 percent of the AMI:

4102.4.Q(17)(c):

- (c)** The owner or manager is responsible for monitoring the income level of residents at the time of initiation and renewal of any lease term and is responsible for any reporting of such information in accordance with the requirements of the FFHA, and must establish that any live-in aide or resident care provider continues to meet the applicable requirements of this Section. The owner or manager is also responsible for completing all verification of occupancy requirements set forth in 42 U.S.C. § 3607(b) and 24 C.F.R. § 100.307 annually. The results of all such monitoring and occupancy verification must be provided to the Zoning Administrator, or designee, on an annual basis to assure on-going compliance with the tenancy and income limits. Such report must include the dwelling unit number and address, date of lease renewal, term of lease renewal, and resident’s income. Should a resident become over-qualified with regard to income at any time during a lease term, the resident must vacate the unit at the end of the lease term in effect at the time of such over-qualification or within nine months of such over-qualification, whichever time period is longer.

4102.4.Q(17)(e):

- (e)** Such independent living facilities are not subject to Section 5101, the ADU Program or the Board’s policy for Workforce Dwelling Units.

Include new subsection 4102.4.Y(6)(d) and revise subsection 4102.7.A(7)(b)5 to allow a fence or wall that is an integral part of a wireless facility approved by special exception to exceed the maximum fence or wall height in Table 4102.4.

4102.4.Y(6)

- (d) In addition, a fence or wall that is an integral part of a wireless facility may exceed the maximum fence or wall height in accordance with subsection 4102.7.A(7)(b)5.

4102.7.A(7)(b)5:

5. 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.

Revise subsection 4102.5.A(3) to clarify that, in Planned Districts, any outdoor component for a kennel must specifically be shown on the approved development plan.

- (3) In a P district, any outdoor component must specifically be shown on the approved development plan.

Include a standard to allow accessory retail sales for warehouse uses, when permitted by special exception, in subsection 4102.6.D, as shown below.

Standards when permitted by special exception:

- (3) In the I-3 District, a maximum of 10 percent of the gross floor area of the establishment or 5,000 square feet, whichever is smaller, may be used for retail sales.

Revise subsection 4102.7.A(8) to clarify that gates and gateposts may be located in any yard, as shown below.

(8) Gates and Gateposts

Gates and gateposts may be located within any yard as follows:

- (a)** In any front yard:
 - 1.** Four gateposts no taller than ten feet.
 - 2.** Two gates no taller than eight feet.
 - 3.** Gates and gateposts that are taller than four feet must not exceed 15 percent of the width of the lot.
- (b)** Gates and gateposts located in any side or rear yard are limited to the maximum allowed fence or wall height in accordance with subsection 4102.7.A(7)(b).

Revise subsection 5100.2.D(4)(a)1 to clarify that the minimum front setback applies within the two or more front yards on a corner lot.

(1) Corner Lots

The following regulations apply to corner lots:

(a) Lot Lines and Yards

- 1.** The two or more yards lying between the principal building and the intersecting streets are deemed to be front yards and the minimum front setback applies.
- 2.** The shorter street line is deemed to be the front lot line, regardless of the location of the principal entrance or approach to the main building, and the rear yard is opposite the front lot line.

Correct a typographical error in subsections 5100.2.O(2)(a)2 and 5100.2.O(3)(a), to include “subsection” before the subsection number and correct the cross-reference in subsection 5100.2.O(3)(b) to refer to subsection 8100.5, as shown below.

O. Cluster Subdivisions

(2) Post-July 1, 2004 Rezoning and Special Exceptions

- (a) Applications after July 1, 2004, are subject to the following:
1. New cluster subdivisions are not permitted by special exception in the R-2 District or in the R-3 and R-4 Districts with a minimum district size of three and one-half acres or greater;
 2. The Board may approve a proffered rezoning to the R-2 District, or a proffered rezoning to a R-3 or R-4 District with a minimum district size of three and one-half acres or greater, for the development of a cluster subdivision without bonus density when the application is for a rezoning to a residential district with a higher permitted maximum density than the existing zoning district. In conjunction with Board approval of that proffered rezoning, all minimum district size, lot area, lot width, shape factor, and open space requirements of the district and all applicable cluster subdivision provisions of Chapter 101 of the County Code must be met without modification or waiver. The provisions of subsection 8100.2.D apply to such approved proffered rezoning.

(3) Pre-July 1, 2004 Cluster Subdivisions

- (a) Cluster subdivisions in the R-C, R-E, R-1, R-2, R-3, and R-4 Districts that were approved by proffered rezoning by the Board before July 1, 2004, continue to be subject to the proffered rezoning approval. Amendments to those proffered rezonings may be filed and considered in accordance with the provisions of subsection 8100.2.D. Minor modifications to those subdivisions may be permitted in accordance with subsection 8100.5.
- (b) Special exceptions for cluster subdivisions in the R-C, R-E, R-1, R-2, R-3, and R-4 Districts that were approved by the Board before July 1, 2004, and established remain valid and are subject to the special exception approval, including any approved development conditions. Amendments to special exceptions for these cluster subdivisions may be filed and considered in accordance with subsections 8100.3.D(5) and 5100.2.O. Minor modifications to those subdivisions may be permitted in accordance with subsection 8100.5.

Revise subsections 8100.1.B(1)(c) and 8100.1.B(1)(d) to clarify that the public notice regulations must be in accordance with state law, as shown below. Reletter as needed.

B. Scheduling and Notice of Public Hearings

(1) Required Notice for Public Hearings

- (a) Public hearings required by this Ordinance will be held only when evidence establishes that the notice requirements in this subsection have been satisfied. All required notices must meet the standards specified by state law.
- (b) The subject of the public hearing is not required to be advertised in full but may be advertised by reference. Every advertisement must identify the proposed action and must identify the place(s) within the County where copies of the subject of the public hearing may be examined.

Published Notice

- (c) Public notice is the hearing body's responsibility. Notice of any hearing must be published at least in accordance with the standards specified in Va. Code Sect. 15.2-2204 and such other state law provisions that may apply.

Revise subsection 8100.10.A(1)(a) to clarify that, as specified in Section 8101, an appeal application must be complete and include all required materials, as shown below. Revise subsection 8100.10.A(2)(b) to include short-term lodging in the types of violations requiring a 10-day time period for filing an appeal application.

A. Appeal Processing

(1) Initiation

- (a) The appellant must submit materials in accordance with Section 8101. To be complete, an application must include all required materials.
- (b) An appeal to the BZA may be taken by any person aggrieved or by any officer, department, board, commission, or authority of the County affected by any decision of the Zoning Administrator or from any order, requirement, decision, or determination made by any other administrative officer in the administration or enforcement of this Ordinance. An appeal that relates to a proffered condition, however, must be taken to the Board as provided for in subsection 8100.2.D(3)(d).

(2) Time Limit on Filing

- (a) Except as set forth below, all appeals must be filed within 30 days from the date of the decision appealed by filing an appeal application with the Zoning Administrator and the BZA.
- (b) Appeals from notices of violation involving the following violations must be filed within ten days from the date of the notice by filing an appeal application with the Zoning Administrator and the BZA:
 - 1. Occupancy of a dwelling unit in violation of subsection 4102.3.A.
 - 2. Parking a commercial vehicle in an R district or a residential area of a P district in violation of subsections 4102.1.B(2) and 4102.1.E(4).
 - 3. Parking of vehicles on an unsurfaced area in the front yard of a single-family detached dwelling in the R-1, R-2, R-3, or R-4 Districts in violation of subsection 6100.2.B(1).
 - 4. Parking of inoperative vehicles, as provided in Chapter 110 of the County Code, in violation of subsection 4102.7.A(13).
 - 5. Installation, alteration, refacing, or relocation of a sign on private property in violation of subsection 7100.3.A(1).
 - 6. Installation of any minor sign in violation of subsection 7100.4.
 - 7. Installation of prohibited signs on private property in violation of subsection 7100.5.B and subsections 7100.5.C(1) and 7100.5.C(5).
 - 8. Operating short-term lodging in violation of subsection 4102.7.N.
 - 9. Other short-term, recurring violations as determined by the Zoning Administrator.
- (c) All appeal applications must specify the grounds for the appeal.

In subsection 8101.1, add a new subsection H, Sanitary Sewer Information, to the submission requirements for generalized development plans, conceptual and final development plans, PRC development plans, PRC plans, and certain SE and SP plats. Also, remove references to requests for physical copies of application materials. Renumber subsections as needed.

1. General Requirements for All Applications

- A.** Submission requirements for appeals and applications in Section 8100 are included in this section. Submission requirements are generally divided into three categories: (i) administrative and property documentation; (ii) plan or plat requirements; and (iii) supporting reports and studies.
- B.** Staff may request one or more paper copies of any of the materials at any point in the process.
- C.** All applications, except for Minor Site Plans and Site Plans, must include a complete application certified by the applicant.

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H. Sanitary Sewer Information:

For all generalized development plans, conceptual and final development plans, PRC development plans, PRC plans, and, except where noted, for special exception and special permit plats, the following sanitary sewer information must be included on the plan or plat. This requirement does not apply when there is no net increase in sewage flow due to the proposed land use or change, or if the site is served by an individual sewage disposal system:

- (1)** The approximate location of existing and proposed public sewers; and if located off-site, the distance of the public sewer from the site.
- (2)** A statement indicating whether the site will connect to public sewer by a lateral or an extension of public sewer to the site.
- (3)** A statement indicating the type of wastewater including domestic, non-domestic, mixed-use, or cooling tower waste. For non-domestic, mixed-use, and cooling tower waste, information on proposed pretreatment of wastewater must be included.
- (4)** A hydraulic analysis, based on additional peak flow generated from the site, must be provided by the applicant if the project meets any of the below criteria.
 - (a)** Generates a peak flow increase between 10,000 to 50,000 gallons a day and is served with sewer pipes of eight inches to 12 inches in diameter;
 - (b)** Generates a peak flow increase from greater than 50,000 to 400,000 gallons per day and is served with sewer pipes of less than 21 inches in diameter;
 - (c)** Generates a peak flow increase greater than 400,000 gallons per day and is

served with sewer pipes less than 27 inches in diameter.

- (5) A statement and plan for any needed sanitary sewer improvements.

2. **Zoning Map Amendments (Rezoning)**

A. **Administrative and Property Documentation**

The following information is required for any rezoning application submitted by property owners, contract purchasers, or a condominium, or their agents:

- (1) A certified plat of the property with the following information:
 - (a) Boundaries of the property, with bearings and distances of: (i) the perimeter property lines, and (ii) each existing and proposed zoning district;
 - (b) Total area of the property and each existing and proposed zoning district in square feet or acres;
 - (c) Scale and north arrow, with north, to the extent feasible, oriented to the top of the plat;
 - (d) Location of all existing building and structures;
 - (e) Names and route number of all boundary roads or streets, and width of existing rights-of-way; and
 - (f) Seal and signature of person preparing the plat.
- (2) A legal description of the property, including metes and bounds of each zoning district proposed.
- (3) A current Fairfax County Zoning Map showing the boundaries of the subject site clearly outlined, covering the area generally within a 500-foot radius of the proposed use.

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B. **Plan Requirements for Residential, Commercial, and Industrial Districts**

A Generalized Development Plan (GDP) must be submitted. The GDP and any resubmissions and supporting graphics, must be certified by a professional engineer, architect, landscape architect, or land surveyor authorized to practice as such by the State. The GDP must be on a maximum sheet size of 24" x 36", and if presented on more than one sheet, match lines must indicate where the several sheets join. The GDP must include the following:

...

- (6) Sanitary sewer information in accordance with subsection 8101.1.H.

...

B. **Plan Requirements for Planned Districts Except the PRC District**

- (1) A **Conceptual Development Plan** (CDP) must be submitted. A CDP is subject to the same requirements as a Generalized Development Plan above, except as modified below:

Rezoning to the PDH, PDC, PRM, or PCC District

...

- (b) The following do not need to be provided for a rezoning to the PDH, PDC, PRM, or PCC District:
1. The distance of any existing and proposed structures from the floodplain, Resource Protection Area and Resource Management Area, or environmental quality corridor in subsection 8101.2.B(19); and
 2. The proposed landscaping and screening in accordance with the provisions of Section 5108 in subsection 8101.2.B(21).

Rezoning to the PTC District:

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- (d) The following do not need to be provided for a rezoning to the PTC District:
1. In subsection 8101.2.B(21), the limits of clearing and the proposed landscaping and screening in accordance with the provisions of Section 5108.
- (2) A **Final Development Plan** (FDP) must be submitted. The FDP, any resubmissions and supporting graphics, must be certified by a professional engineer, architect, landscape architect, or land surveyor authorized to practice as such by the State. The FDP must be on a maximum sheet size of 24" x 36", and if presented on more than one sheet, match lines must indicate where the several sheets join. The FDP must include the following:

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- (r) Sanitary sewer information and a stormwater management plan in accordance with subsection 8101.1;

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D. Plan Requirements for the PRC District:

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- (2) A **PRC Development Plan** must be submitted. A PRC Development Plan is subject to the same requirements as a Generalized Development Plan in subsection 8101.2.B above, except as modified below:

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- (j) The following subsections are not required: 8101.2.B(12), 8101.2.B(13), 8101.2.B(17), 8101.2.B(19), and 8101.2.B(20).
- (3) A **PRC Plan** must be submitted. The PRC Plan, any resubmissions and supporting graphics, must be certified by a professional engineer, architect, landscape architect, or land surveyor authorized to practice as such by the State. The plan

must be on a maximum sheet size of 24" x 36", and if presented on more than one sheet, match lines must indicate where the several sheets join. The PRC Plan must include the following:

...

- (n) Sanitary sewer information and a stormwater management plan in accordance with subsection 8101.1;

...

3. **Special Exceptions, Special Permits, and Variances**

A. **Administrative and Property Documentation**

All special exception, special permit, and variance applications require the following:

- (1) A current Fairfax County Zoning Map showing the boundaries of the property clearly outlined, covering the area generally within a 500-foot radius of the proposed use.

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- (4) Photographs of the property and abutting properties showing existing structures, terrain, and vegetation as viewed from all lot lines and street lines of the application property. All photographs must be clearly dated and labeled with the location and direction from which they were taken.

B. **Plat Requirements**

A special exception plat, and a special permit or variance plat, including any resubmissions of the plat and supporting graphics, must be submitted and be:

- (1) Drawn to a designated scale of not less than 1" = 50'; but if the proposal cannot be accommodated at a scale of 1' = 50', a scale of not less than 1' = 100' may be used;
- (2) Signed, sealed, and certified by a professional engineer, land surveyor, architect, or landscape architect licensed by the State;
- (3) On a maximum sheet size of 24" x 36"; and

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The following additional plat requirements apply to special exception and special permit applications:

- (16) Sanitary sewer information and a stormwater management plan in accordance with subsection 8101.1;

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D. **Additional or Modified Submission Requirements for Specific Special Exception Applications**

The following are additional or modified submission requirements for special exception applications for:

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- (13) **Light Utility Facility, Heavy Utility Facility, and Wireless Facility**

- (a) A map showing the utility system of which the proposed use will be an integral part, together with a written statement outlining the functional relationship of the proposed use to the utility system.

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E. Additional or Modified Submission Requirements for Specific Special Permit Applications

The following are additional or modified submission requirements for special permit applications for:

(1) Accessory Living Unit

- (a) The plat information required by subsections 8101.3.B(1) through 8101.3.B(9), 8101.3.B(11), 8101.3.B(13), and 8101.3.B(14).
- (b) A dimensioned floor plan depicting the internal layout and gross floor area of both the principal and accessory living unit, with the use of each room and points of egress to the dwelling clearly labeled.
- (c) Photographs of the rooms and area used by the accessory living unit, which are clearly dated and labeled.

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(6) Home-Based Business

- (a) The plat information required by subsections 8101.3.B(1) through 8101.3.B(11), 8101.3.B(13), and 8101.3.B(14).
- (b) A dimensioned floor plan depicting the internal layout of the residence, including identification and gross floor area of all rooms or facilities to be used by the home-based business, as well as ingress and egress from the dwelling.
- (c) Photographs of the rooms and facilities used by the home-based business, which are clearly dated and labeled.

(7) Home Day Care Facility

- (a) The plat information required by subsections 8101.3.B(1) through 8101.3.B(11), 8101.3.B(13), and 8101.3.B(14), and the dimensions, size, and location of all outdoor recreation space in relation to all lot lines.
- (b) A dimensioned floor plan identifying all rooms or facilities to be used by the home day care, including gross floor area and points of ingress and egress from the dwelling.
- (c) Photographs of the rooms and facilities used by the home day care, which are clearly dated and labeled.

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6. Residential Use Permits

A. Plan Requirements

For single-family detached dwelling units, an as-built house location survey plat must be submitted to the Zoning Administrator for review and approval within 30 days of the issuance of the Residential Use Permit. Such plat must be presented on a sheet drawn to a designated scale of not less than 1" = 50' or larger, unless a smaller scale is required to accommodate the development, with the scale clearly indicated. Such plat, regardless of the area of the lot, must be prepared in accordance with the Virginia Administration Code, 18VAC10-20-380, and must also show the following:

...

8. Appeals

A. Supporting Reports and Studies

Appeals filed of an order, requirement, decision, or determination require the following:

- (1) A statement certified by the appellant with the following information:
 - (a) A copy of the order, requirement, decision, or determination that is the subject of the appeal;
 - (b) The date when the decision was made; and
 - (c) The appellant's grounds for the appeal and the reasons for the appeal. If the appellant is a County officer, department, board, or bureau, the statement must specify how the appellant is affected; otherwise, the statement must specify how the appellant is an aggrieved person.
- (2) Any other supportive data as the appellant may desire in the record, including plats, plans, drawings, charts, or related material.
- (3) An appellant must also simultaneously submit one copy of the submission requirements to the BZA.

...

Revise 8103.2 to reflect updated Planning Commission bylaws, as shown below.
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2. Planning Commission

E. Officers

- (1) The officers of the Planning Commission consist of a Chairperson, a Vice-Chairperson, a Secretary, and a Parliamentarian.
- (2) The officers of the Planning Commission must be elected from the members for a one-year term by the Commission at the second meeting of the calendar year. If an appointment to the membership by the Board is pending, the election will be held at the first meeting following the appointment.
- (3) A candidate receiving a majority vote of those present and voting will be declared elected. The officer will take office immediately and serve for one year or until a successor takes office.
- (4) Vacancies in office must be filled immediately by regular election procedures.

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G. Records

The Planning Commission must keep minutes of all its proceedings, showing information presented, the names and, if provided, addresses of all witnesses giving testimony, findings of fact by the Commission, and the vote of each member upon each question, or if absent or failing to vote, such fact. These minutes are part of the public record.

Revise 8103.3.D to include that the BZA may have up to three alternate members in addition to seven permanent members.

H. Membership

- (1)** The BZA consists of seven members appointed by the Circuit Court of Fairfax County, Virginia, and the members may receive compensation as may be approved by the Board. The BZA may also include up to three alternate members. All members must be residents of the County.

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Revise the definition of shopping center in Section 9102 to include retail in a mixed-use building and correct a typographical error.

Shopping Center

Any group of two or more commercial uses which (1) are designed as a single commercial group, whether or not located on the same lot; (2) are under common ownership or are subject to reciprocal parking and ingress and egress agreements or easements; (3) are connected by party walls, partitions, canopies or other structural members to form one continuous structure, or if located in separate buildings, are interconnected by common parking areas, travel lanes, walkways or accessways designed to facilitate customer interchange between the uses on-site; (4) share common points of vehicular access; and (5) otherwise present the appearance of one continuous commercial area. A group of two or more commercial uses located on the first floor or other lower floors of a residential building that meets the characteristics above is considered a shopping center for the purpose of determining required parking. A grouping of predominantly office uses which meet these characteristics is not deemed to be a shopping center.

Revise the definitions of a small health and exercise facility and a specialized instruction center in Section 9103 to include examples of uses, as shown below.

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 preserve physical fitness, including health clubs, fitness classes, training, and instruction. Examples include yoga studios, cycling classes, karate and martial arts 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.

Specialized Instruction Center

A center primarily devoted to giving instruction in vocational, professional, musical, dramatic, artistic, scientific, performing arts, or other special subjects. Examples include tutoring, music lessons, art classes, ballet, and other similar instructional activities. This use does not include a child care center, home day care facility, health and exercise facility, or riding school.

In addition, revise any other cross-references to subsections with typographical errors, for example, not including the word "subsection" or not providing the complete subsection reference where there is a partial reference.

This amendment shall become effective on March 20, 2024, at 12:01 a.m.

GIVEN under my hand this 19th day of March, 2024.



Jill G. Cooper
Clerk for the Board of Supervisors