

ORDINANCE NO. 2017-11

AN ORDINANCE AMENDING CHAPTER 110 (ZONING) TO AMEND PORTIONS OF ARTICLES AND SECTIONS CONTAINED THEREIN, INCLUDING INTRODUCTORY PROVISIONS, ZONING MAP, ZONING DISTRICTS AND REGULATIONS, SITE DEVELOPMENT STANDARDS, DEVELOPMENT REVIEW PROCEDURES, ENFORCEMENT AND PENALTIES, AND DEFINITIONS.

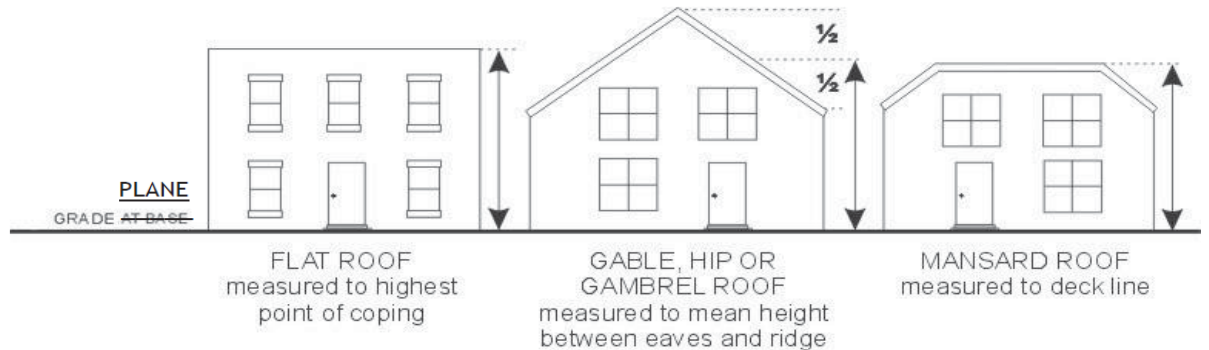
BE IT ORDAINED, by the City Council of the City of Fairfax, Virginia, that Chapter 110, Article 1, §1.5.11, of the Code of the City of Fairfax, Virginia, is hereby amended as follows:

§1.5.11. Height

A. Buildings and structures

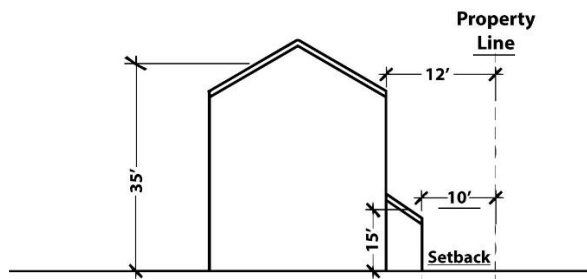
1. Measurement

Height is the vertical distance from average finished grade plane, as defined in §9.3.1, to the highest point of the roof line of a flat roof, to the deck line of mansard roof, and to the mean height level (midpoint) between eaves and highest ridge point for gable, hip or gambrel roof; as specified in the Virginia Uniform Statewide Building Code (VUSBC).



2. Exceptions

(a) Maximum height shall be reduced to 15 feet on RM and RH district lots ~~shall be reduced to 15 feet within~~ between 10 and 12 feet of side (interior) lot lines adjacent to the RL, RM and RH districts, ~~subject to~~ in accordance with the applicable required, side (interior) yards as specified in §3.6.1.



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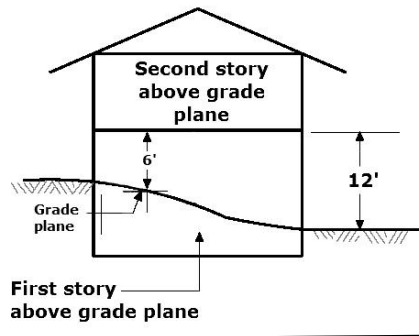
(e) Chimneys attached to ~~single family, detached~~ residential dwellings may extend above the maximum height specified in the respective district ~~by up to three feet only~~ to the extent required to meet the Virginia Uniform Statewide Building Code.

B. Stories

1. A story is that portion of a building included between the ~~underlayment or slab floors; or, if there be no floor above it, then the space between such underlayment or slab floors, exclusive of surface materials, and the ceiling next above it~~ upper surface of a floor and the upper surface of the floor or roof next above. It is measured as the vertical distance from top to top of two successive tiers of beams or finished floor surfaces and, for the topmost story, from the top of the floor finish

to the top of the ceiling joists or, where there is not a ceiling, to the top of the roof rafters.

2. Berming will not result in the creation of additional stories not otherwise allowed A story having its finished floor surface entirely above grade plane, or in which the finished surface of the floor above is: 1) more than six feet above grade plane; or, 2) more than 12 feet above the finished ground level at any point shall be considered a story above grade plane.
3. Any basement that has any wall three feet above ground shall be counted as a story Berming will not result in the creation of additional stories not otherwise allowed.
4. A half story, as defined in §9.3.1, shall not be counted as a story in relation to the maximum stories provisions in §3.6 and §3.7.



BE IT FURTHER ORDAINED, by the City Council of the City of Fairfax, Virginia, that Chapter 110, Article 1, §1.5.12, of the Code of the City of Fairfax, Virginia, is hereby amended as follows:

§1.5.12. Required yards (setbacks)

A. General

2. Every part of every required yard shall be open and unobstructed above the general ground level of the graded lot upward to the sky except as expressly allowed in §1.5.12.D.3(b) this chapter.

D. Rear yards

3. Exceptions

(b) For the purpose of establishing the required minimum rear yard on lots with a rear lot line less than ten feet in length, or if the lot comes to a point at the rear, the rear lot line will be considered to be a line ten feet in length lying wholly within the lot and parallel to the front lot line.

(b~~c~~) When an existing nonconforming structure encroaches into the otherwise required rear yard, additions to that nonconforming structure may also encroach, but no further and no higher than the nonconforming structure.

E. Permitted encroachments

PERMITTED REQUIRED YARD ENCROACHMENTS				
OBSTRUCTION/PROJECTION INTO REQUIRED YARD (SETBACKS)	FRONT	SIDE (STREET)	SIDE (INTERIOR)	REAR
<p>.....</p> <p>Bay windows, eaves, chimneys, porches, stoops, covered entryways, awnings, canopies, balconies, decks raised above ground level, and similar features of a principal dwelling may not project more than 3 feet beyond any required front, side (street), or rear building line into any required yard</p> <p>Carpports may not project more than 3 feet into any required side (interior) or rear yard</p>	■	■	■	■
<p>.....</p> <p>Driveways for RL, RM and RH district uses may be located within side (interior) yard provided a minimum setback of 5 feet is maintained to the extent practicable</p>			■	
<p>.....</p> <p>Mechanical equipment, such as HVAC units, provided it remains at least 2 feet from the lot line and as long as the equipment is in compliance with the noise requirements of §4.14.4</p>			■	■
<p>.....</p> <p>Sidewalks and steps used to ascend and descend a porch, stoop, entryway, balcony or deck provided that to the extent practicable, they extend across along rather than along across the required side (interior) yard</p>	■	■	■	■
<p>.....</p> <p>Wheelchair ramps accessory to residential uses other than multifamily to facilitate wheelchair access for the disabled; ADA facilities constructed for access to existing buildings may extend a distance as needed into any required yard</p>	■	■	■	■

F. Exceptions

1. Front and streetside (sidestreet), required

(a) General

Where the street right-of-way is less than 50 feet wide, the building line shall be measured from the established centerline of the adjacent street right-of-way as follows:

DISTRICT	MINIMUM DISTANCE OF BUILDING LINE FROM ESTABLISHED RIGHT-OF-WAY CENTERLINE	
	FRONT	SIDE (STREET)
CL	45 50	45 75
CO	45 60	45 60
CR	45 55	45 55

BE IT FURTHER ORDAINED, by the City Council of the City of Fairfax, Virginia, that Chapter 110, Article 2, §2.1, of the Code of the City of Fairfax, Virginia, is hereby amended as follows:

§2.1. ADOPTION OF MAPS

The boundaries of the zoning districts established by this zoning ordinance are depicted on and maintained as part of the city’s geographic information system (GIS), under the direction of the director of community development and planning. This “zoning” geographic coverage layer constitutes the City of Fairfax Zoning Map, or simply as “the zoning map”. The zoning map—together with all notations, references, data and other information shown on the map—is hereby adopted and incorporated into this zoning ordinance as if actually depicted within its pages.

BE IT FURTHER ORDAINED, by the City Council of the City of Fairfax, Virginia, that Chapter 110, Article 3, §3.3.1, of the Code of the City of Fairfax, Virginia, is hereby amended as follows:

§3.3.1. Principal use table

B. Principal uses

The following table lists the principal uses permitted by this chapter for general use districts. For overlay districts, see §3.7; for planned development districts, see §3.8; and for accessory uses, see §3.5.5; and for temporary uses, see §3.5.6; and for large format retail, see §4.9.

USE TYPES/USE GROUPS*	RESIDENTIAL						NONRESIDENTIAL						SPECIFIC USE STANDARDS	
	R L	R M	R H	RT -6	R T	R MF	C L	C O	C R	C U	C G	I L		I H
P = PERMITTED / S = SPECIAL USE (§6.7) / * = GROUP OF USES (§3.4.1)														
..... Schools, technical, trade, business							P	P	P	P	P	P	P	§3.5.3.G
..... Vehicle parts stores											P	P	P	

BE IT FURTHER ORDAINED, by the City Council of the City of Fairfax, Virginia, that Chapter 110, Article 3, §3.4.1, of the Code of the City of Fairfax, Virginia, is hereby amended as follows:

§3.4.1. Use interpretation

C. Developments with multiple principal uses

~~5. Where a use requiring approval as a special use lies on a separate legal parcel, only the building containing the use and its separate parcel shall be subject to review, not the entire project. However, where the separate legal parcel is an “outparcel” (a separate legal parcel on the same site) the application shall describe the relationship of such outparcel to the remaining site.~~

F. Commercial use groups

1. Animal care facilities

A place where animals are cared for. Animal care facilities shall include the following: kennel, veterinary clinic, animal hospital, ~~animal grooming facility~~ or any similar use.

2. Offices, general

An office generally focusing on business, government, professional or financial services. General office uses shall include the following: advertising office; banks; business management; consulting; data processing; financial business such as lender, investment or brokerage house; collection agency; real estate or insurance agency; professional service such as lawyer, accountant, bookkeeper, engineer, or architect; sales office, travel agency or any similar use; and television and radio stations (without towers) and recording studios. General office does not include hospitals, medical offices or medical care facilities.

4. Recreation, indoor

Amusement or recreational activities carried on wholly within a building, including bowling alleys, day spas, gymnastic centers, ice or roller skating, ~~gymnastics centers~~, health clubs, lazer tag, tennis, and indoor activities of a similar nature. Indoor recreation does not include an adult uses or amusement centers.

7. Retail, general

A primarily indoor facility involved in the wholesale or retail sale, lease, or rental of new or used products. General retail includes the selling, leasing or renting of the following goods: antiques; art supplies; bicycles; cameras; cash for gold shops; carpet and floor coverings; crafts; clothing; computers; dry goods; drug stores; electronic equipment; fabric; garden supplies; hardware; household products; jewelry; medical supplies; musical instruments; music; pawn shops; pets; pet supplies; pharmaceuticals; printed materials; sporting goods; vehicle parts; or any similar use. General retail does not include any adult use.

8. Services, general

A facility involved in providing general or repair services. General services shall include the following: animal grooming; photocopy; security service; taxidermy; or any similar use. General services shall also include the following repair services: bicycles; canvas products; clocks; computers; ~~jewelry~~; musical instruments; office equipment; radios; ~~shoes~~; televisions; furniture; ~~watches~~ or any

similar use. General services shall also include a ~~tailor, milliner~~, upholsterer or locksmith. General services does not include any adult use.

9. Services, personal

Establishments primarily engaged in the repair, care, maintenance or customizing of one's person or personal property that is worn or carried about the person, or ~~or~~ relates to a physical component of the person; including barbershops, beauty shops, jewelry and watch repair, shoe repair, clothing rental, dry cleaning and laundry pick-up and drop-off, tailor, milliner, fitness training, massage therapy, marriage counseling, music lessons, physical therapy, psychic or medium, speech therapy, tattoo parlors, tutoring, yoga, photography or dance studios, and similar places of business.

BE IT FURTHER ORDAINED, by the City Council of the City of Fairfax, Virginia, that Chapter 110, Article 3, §3.5.1, of the Code of the City of Fairfax, Virginia, is hereby amended as follows:

§3.5.1. Residential use standards

C. Townhouses

- ~~1. The first floor shall be located a minimum of 18 inches above finished grade at the front of the townhouse unit. An elevation change, even as minimal as 18 inches, provides a degree of privacy, so passing cars and pedestrians do not look directly into the windows and the occupants' perspective is from above the street.~~
21. The maximum number of units allowed in a single building is ten.
32. No more than two of any 10 or one of any three to five abutting dwelling units having the same front yard setback. Varied front yard setbacks shall not be less than two feet offset from adjoining units as measured at the principal foundation line of each unit and no setback distance shall be less than the required minimum.
43. Interior (side) yards are not required for interior townhouses, but front and rear yards shall be provided for all townhouses, and building separation requirements shall be maintained for all townhouse structures. (See also §3.4.2, Complexes)
54. No townhouse shall be constructed so as to provide direct vehicular ingress or egress to a ~~collector street or an arterial~~ public street.

D. Upper story residential/mixed use

3. Floor height

(a) Ground floor

~~(1) The average ground floor finished floor elevation shall be equal to, or greater than the exterior sidewalk elevation in front of the building, to a maximum finished floor elevation of 18 inches above the sidewalk grade.~~

(12) The ground floor shall have at least 12 feet of clear interior height (floor to ceiling) contiguous to the required building line frontage, if any, for a minimum depth of at least 25 feet.

~~(3) The maximum story height for the ground floor is 25 feet.~~

BE IT FURTHER ORDAINED, by the City Council of the City of Fairfax, Virginia, that Chapter 110, Article 3, §3.5.2, of the Code of the City of Fairfax, Virginia, is hereby amended as follows:

§3.5.2. Public, civic and institutional use standards

B. Day care centers

4. Signs

Notwithstanding other provisions to the contrary, day care centers may have a monument sign of up to 32 square feet in area, six feet high; and a wall sign of up to 24 square feet; both of which may be illuminated by external white light. Day care centers may also have directional signs as permitted by §4.6.11.C.

G. Religious Institutions

Notwithstanding other provisions to the contrary, religious institutions may have a monument sign of up to 32 square feet in area, six feet high; ~~or~~ and a wall sign of up to 24 square feet; both of which may be illuminated by external white light. Religious institutions may also have directional signs as permitted by §4.6.11.C.

H. Schools, elementary, middle or high

4. Signs

Notwithstanding other provisions to the contrary, schools may have a monument sign of up to 32 square feet in area, six feet high; ~~or~~ and a wall sign of up to ~~32~~24 square feet; both of which may be illuminated by external white light. Schools may also have directional signs as permitted by §4.6.11.C.

I. Social service delivery

4. Signs

Notwithstanding other provisions to the contrary, social service delivery may have a monument sign of up to 32 square feet in area, six feet high; ~~or~~ and a wall sign of up to ~~32~~24 square feet; both of which may be illuminated by external white light. Social service delivery may also have directional signs as permitted by §4.6.11.C.

BE IT FURTHER ORDAINED, by the City Council of the City of Fairfax, Virginia, that Chapter 110, Article 3, §3.5.3, of the Code of the City of Fairfax, Virginia, is hereby amended as follows:

§3.5.3. Commercial use standards

I. Vehicle sales and leasing

5. Each vehicle awaiting repair or maintenance shall be parked within a parking space that complies with the requirements contained in §4.2 within an enclosed structure or within an area screened on all sides by a ~~closed wooden~~ solid fence or ~~brick~~ wall at least six feet in height. Such fence or wall shall be located no closer than 10 feet from any property line adjacent to a C or I district. Where adjacent to any residential district, a TY2 transitional yard shall be provided in accordance with §4.5.5.

BE IT FURTHER ORDAINED, by the City Council of the City of Fairfax, Virginia, that Chapter 110, Article 3, §3.5.4, of the Code of the City of Fairfax, Virginia, is hereby amended as follows:

§3.5.4. Industrial use standards

E. Vehicle storage and towing

1. Outdoor storage areas shall be screened in accordance with the requirements of §4.5.8.
2. A transitional yard TY3 in accordance with §4.5.5 shall be established along any side of the property adjacent to a residential use.
3. Outdoor storage areas may be surfaced with gravel or other material approved by the zoning administrator.

BE IT FURTHER ORDAINED, by the City Council of the City of Fairfax, Virginia, that Chapter 110, Article 3, §3.5.5, of the Code of the City of Fairfax, Virginia, is hereby amended as follows:

§3.5.5. Accessory use standards

C. Accessory use table

1. Key to types of use

USE TYPES/USE GROUPS	RESIDENTIAL DISTRICTS						NONRESIDENTIAL DISTRICTS						SPECIFIC USE STANDARDS
	R L	R M	R H	RT -6	R T	R MF	C L	C O	C R	C U	C G	I L	
Keeping of chickens	P	S	S										§3.5.5.D.14

D. Accessory use standards

8. Day care homes, family (up to 12)

A family day care home may provide care for up to 12 children, ~~accessory to a single family detached dwelling~~, subject to the following requirements:

- (a) Family day care homes shall obtain a state license, if required. (State licenses are required for such homes providing care for five to 12 children.)
- (b) When calculating the total number of children cared for, resident children shall be excluded.
- (c) The facility shall be the principal residence of the operator(s) of the family day care home.
- (d) The facility shall comply with any and all requirements of the city and state codes, including City Code, Ch. 14, and Title 63.2, Ch. 17, Code of Virginia.

9. Catering or delivery services

Catering or delivery services shall comply with the following standards:

- (a) Hours of delivery service shall be limited to between 7am and 12am, Sunday through Thursday; and 7am through 1am, Friday and Saturday;

12. Home occupations

(c) Minor home occupations

Minor home occupation means the use of an area located within a dwelling unit for business or commercial purposes. Such uses shall comply with the following additional requirements:

- (1) No person other than a member of the family residing ~~on the premises~~ within the dwelling shall be engaged in the home occupation;
- (2) Student instruction, where allowed, shall be limited as follows:
 - (i) Such instruction shall be limited to a total of eight students per day, with no more than 40 total per week or six students present at any one time, between the hours of 8:00am and 9:00pm
 - (ii) Gatherings of students and families for exhibitions and group activities may take place ~~on the premises~~ within the dwelling no more than four times per year. Such gatherings shall be consistent with the residential character of the neighborhood and shall conform to all applicable regulations regarding noise and parking.
- (3) No signage shall be permitted.
- (4) The minor home occupation shall generate no greater volume of traffic than would normally be expected from a single-family ~~detached~~ residence, subject to the additional operational standards for home businesses and student instruction and consistent with the residential character of the neighborhood;
- (5) The street address of a home occupation business shall not be advertised to the general public in newspaper, radio, television, worldwide web, or other advertisements. This provision shall not be construed to prohibit address listing in telephone directories, on business cards, or in communication with customers, suppliers or professional colleagues, nor shall it prohibit referrals to individual consultants from corporate Internet sites by customer inquiry.

(d) Major home occupations

Major home occupation means the use of an area located within a single-family residence as business office or professional office. Such uses shall be subject to the following additional restrictions:

- (1) It is carried on by a person residing ~~on the premises~~ within the dwelling and employs no more than two employees not living ~~on the premises~~ within the dwelling;
- (2) No more than two vehicles are used in the conduct of the home occupation, and such vehicles are parked off the street.
- (3) No merchandise or commodity is sold ~~on the premises~~ within the dwelling.
- (4) No mechanical equipment is installed or used except such that is normally used for domestic or professional purposes.
- (5) No expansion shall be permitted outside the principal structure that houses the home occupation, except that which is necessary to house vehicles used in the conduct of home occupation.
- (6) Advertising signs shall be limited to one unlighted wall sign no larger than three square feet in area, attached to the structure housing the home occupation, or one yard sign of the same size not to exceed three feet in height.
- (7) There shall be no display of goods, tools, equipment, or commercial vehicles.

14. Keeping of chickens

(a) Applicability

In addition to RL district lots, keeping of chickens shall ~~also be allowed a permitted use~~ on other single-family residential lots with a minimum of 20,000 square feet. The keeping of chickens on single-family residential lots with a minimum of 10,000 square feet in the RM and RH districts shall be subject to a special use review pursuant to §6.7.

(b) General provisions

Keeping of up to four chickens on an occupied single-family residential lot shall be allowed, provided that:

- (1) No person shall keep any rooster.
- (2) The chickens shall be used only for non-commercial household egg production. Selling eggs and slaughtering chickens shall be prohibited.
- (3) The chickens shall be provided with a clean, covered, well-ventilated enclosure that is secure from predators.
- (4) The chickens must be kept in the covered enclosure or within a fenced or walled area at all times.
- (5) No enclosure shall be located closer than 25 feet to an occupied, off-site residential dwelling.

(c) Best practices

Any person who keeps chickens under this section shall comply with all city and Virginia laws, ordinances, and regulations regarding care, shelter, sanitation, health, noise, cruelty, neglect, reasonable control, and any other requirements pertaining to the adequate care and control of animals in the city.

(d) Permit and administration

The zoning administrator shall be authorized to establish use specific permit and administrative procedural requirements as necessary to ensure compliance with the applicable requirements of this chapter, the city code and Virginia law.

17. Outdoor dining and service areas

Outdoor dining and service areas may be allowed as an accessory use to otherwise allowed restaurant or food services, subject to the following requirements:

- (b) Outdoor dining and service areas, ~~including any canopy or cover associated with the use,~~ shall be permitted within the required setback.

BE IT FURTHER ORDAINED, by the City Council of the City of Fairfax, Virginia, that Chapter 110, Article 3, §3.6.1, of the Code of the City of Fairfax, Virginia, is hereby amended as follows:

§3.6.1. Residential districts

RESIDENTIAL DISTRICTS DIMENSIONAL STANDARDS	RL	RM	RH	RT-6	RT	RMF
REQUIRED YARDS, MINIMUM (FT.) [1]						
Front	40	25	20	10	10	25
Side (street)	30	20	15	20	20	25
Side (interior)	15	12-10 [2]	12-10 [2]	0	0	25
Rear	25	25	25	20	20	35

NOTES:
 [1] Special building line requirements apply where narrow right-of-way areas are found, see §1.5.12.F.
 [2] Some exceptions apply. See §1.5.11.A.2(a).
 [3] Or, an average of 1,800 square feet.

BE IT FURTHER ORDAINED, by the City Council of the City of Fairfax, Virginia, that Chapter 110, Article 3, §3.6.2, of the Code of the City of Fairfax, Virginia, is hereby amended as follows:

§3.6.2. Nonresidential districts

NONRESIDENTIAL DISTRICTS DIMENSIONAL STANDARDS	CL	CO	CR	CU	CG	IL	IH
REQUIRED YARDS (FT.)							
Front and side (street)							
Maximum	--	--	93.88[1]	15[4]	--	--	--
Minimum	20[1]	20[1]	20[1]	0[1]	20	20	25
Side (interior), min. adjacent to a residential district	25	25	25	25	25	50	50
Side (interior), min. not adjacent to a residential district	12	0/10[2]	0/10[2]	0/10[2]	25	0	0
Rear, min. adjacent to a residential district	25	25	25	25	25	50	50
Rear, min. not adjacent to a residential district	0	0	0	0	25	0	0

NOTES:
 [1] Special building line requirements apply where narrow right-of-way areas are found, see §1.5.12.F.1(a).
 [2] No side (interior) yard is required, but if a building is not built to the lot line, a minimum 10 foot side (interior) yard shall be required.

BE IT FURTHER ORDAINED, by the City Council of the City of Fairfax, Virginia, that Chapter 110, Article 3, §3.7.2, of the Code of the City of Fairfax, Virginia, is hereby amended as follows:

§3.7.2. Historic overlay district

B. Old Town Fairfax Historic Overlay District

5. Off-street parking

The minimum required parking ratio requirements of §4.2.3.E shall be reduced as follows:

- (a) Parking District A: 100 percent
- (b) Parking District A shall consist of the area bounded on the west by Chain Bridge Road, on the east by East Street, on the north by North Street and on the south by Sager Avenue containing four blocks, together with the area bounded on the north and west by North Street, on the east by Chain Bridge Road, and on the south by Main Street containing one block.
- (c) All other parts of the Old Town Fairfax Historic Overlay District: 50 percent for all uses.

8. Signs

(a) Applicability

All signs otherwise allowed in the underlying general use district (§4.6.8); ~~including those allowed without a permit (§4.6.3),~~ shall be subject to the review of the board of architectural review approval of a certificate of appropriateness in accordance with the provisions of §6.5; provided, however, changes to text only, temporary signs, or signs allowed without a permit (§4.6.3), excluding §4.6.3.D and §4.6.3.G, shall not be subject to such review approval. Changes to the font color and size are subject to board review approval of a certificate of appropriateness.

(f) Cumulative sign area

(3) Awning or canopy signs located on the first floor of a building indicating only the name of a building or tenant shall not be counted toward the maximum permitted sign area coverage.

(g) Allowed sign types and regulations

OLD TOWN FAIRFAX HISTORIC OVERLAY DISTRICT SIGN TYPES AND REGULATIONS				
SIGN TYPE	AREA	SETBACK	MAXIMUM HEIGHT	OTHER
....				
Awning or Canopy	N/A	N/A	N/A	May only indicate the name of the building or tenant

BE IT FURTHER ORDAINED, by the City Council of the City of Fairfax, Virginia, that Chapter 110, Article 3, §3.7.3, of the Code of the City of Fairfax, Virginia, is hereby amended as follows:

§3.7.3. Old Town Fairfax Transition Overlay District

A. Applicability

2. The provisions of §3.7.3 shall not apply to regular maintenance of a structure, improvement or site; however, changes to the exterior color of a structure, or substantial portion thereof, shall be deemed an alteration and not regular maintenance. Further, ~~the provisions of this district shall not apply to~~ single-family detached residences shall not be subject to the issuance of a certificate of approval in accordance with the provisions of §6.5 nor shall single-family attached, duplex, or townhouse residences after such residences have been initially erected.

E. Off-street parking

The minimum required parking ratio requirements of §4.2.3.E shall be reduced by 50 percent for all uses, provided that each dwelling unit shall have no less than 1.50 spaces, unless otherwise specified in §4.2.3.E.

F. Signs

1. General

All signs otherwise allowed in the underlying general use district (§4.6.8), ~~including those allowed without a permit (§4.6.3)~~, shall be subject to the ~~review of the board of architectural review~~ approval of a certificate of appropriateness in accordance with the provisions of §6.5; provided, however, changes to text only, sandwich board signs, temporary signs or signs allowed without a permit (§4.6.3), excluding §4.6.3.D and §4.6.3.G, shall not be subject to such ~~review~~ approval. Changes to the font color and size are subject to ~~board review~~ approval of a certificate of appropriateness.

BE IT FURTHER ORDAINED, by the City Council of the City of Fairfax, Virginia, that Chapter 110, Article 3, §3.7.4, of the Code of the City of Fairfax, Virginia, is hereby amended as follows:

§3.7.4. Architectural Control Overlay District

C. Exceptions

Unless otherwise specified, ~~The architectural control overlay district shall not apply to signs, unless otherwise specified, or to the following uses:~~

1. Signs;

2. Demolition;

3. Single-family detached;

4. Single-family attached, after initial approval and construction;

5. Duplex dwellings, after initial approval and construction; and

6. Townhouses, after initial approval and construction.

BE IT FURTHER ORDAINED, by the City Council of the City of Fairfax, Virginia, that Chapter 110, Article 4, §4.2.3, of the Code of the City of Fairfax, Virginia, is hereby amended as follows:

§4.2.3. Parking requirements

....

D. Exceptions

1. The minimum required parking ratio requirements of §4.2.3.E shall be reduced by the following (maximum) percentages:

- (a) Within the Old Town Fairfax Historic Overlay District: See §3.7.2.B.5.
- (b) Within the Old Town Fairfax Transition Overlay District: See §3.7.3.E.
- (c) Within the CU, Commercial Urban District, where structured parking is provided: 10 percent.

E. Parking ratio requirements

Off-street parking spaces shall be provided for all uses listed below in at least the minimum amounts specified.

USE TYPES/ USE GROUPS*	GENERAL REQUIREMENTS
....	
INDUSTRIAL USES (SEE §3.4.1.G)	
....	
Vehicle storage and towing	One space per 1,000 sq. ft. of open storage area, plus e One space per 300 sq. ft. of floor area

BE IT FURTHER ORDAINED, by the City Council of the City of Fairfax, Virginia, that Chapter 110, Article 4, §4.2.4, of the Code of the City of Fairfax, Virginia, is hereby amended as follows:

§4.2.4. Location of parking

B. Residential uses

- 1. Tandem parking and parking in required setbacks shall be allowed for single-family detached, single-family attached, duplex, and townhouse dwellings and for group homes, provided there is space for such parking without blocking the sidewalk. No more than two parking spaces shall be permitted in required setbacks, except in the RL zoning district in which four parking spaces shall be permitted in the required setbacks provided side-by-side and tandem parking spaces shall not exceed two.
- 2. Garage parking may be counted toward required parking.

C. Nonresidential uses

~~Outdoor (surface) p~~Parking lots shall not be permitted within any required ~~setback front or side (street) yard area.~~

BE IT FURTHER ORDAINED, by the City Council of the City of Fairfax, Virginia, that Chapter 110, Article 4, §4.2.6, of the Code of the City of Fairfax, Virginia, is hereby amended as follows:

§4.2.6. Parking lot design

B. Dimensions and access

- 3. All parking spaces and aisles shall comply with the following minimum requirements:

PARKING LOT DESIGN					
ANGLE (DEGREES)	WIDTH OF SPACE (FEET)	DEPTH OF SPACE 90 DEGREES TO AISLE (FEET)	WIDTH OF AISLE (FEET)		WIDTH OF SPACE PARALLEL TO AISLE (FEET)
			ONE-WAY	TWO-WAY	
45	9 feet	<u>19</u> 24.4 feet	<u>12</u> 13 feet	<u>18</u> 22 feet	12.7 feet
45	40 feet	21.1 feet	43 feet	22 feet	44.1 feet
60	9 feet	<u>20</u> 22.3 feet	<u>16</u> 15 feet	<u>20</u> feet	10.4 feet
60	40 feet	22.3 feet	44 feet	--	41.6 feet
90	<u>9</u> feet	<u>18</u> feet	<u>23</u> feet	<u>23</u> feet	<u>9</u> feet
90	10 feet	19 feet	<u>22</u> feet	22 feet	10 feet
Parallel	8 feet	8 feet (width)	13 feet	22 feet	22 feet

- C. Paved or pervious surfacing
 - 1. Where off-street facilities are provided for parking, they shall be surfaced with asphalt bituminous, concrete or pervious material approved by the zoning administrator. Gravel may be used for vehicle parking or vehicle storage yards for parking lots serving areas associated with single-family dwellings or for vehicle storage and towing.

BE IT FURTHER ORDAINED, by the City Council of the City of Fairfax, Virginia, that Chapter 110, Article 4, §4.2.10, of the Code of the City of Fairfax, Virginia, is hereby amended as follows:

§4.2.10. Alternative compliance

The parking and loading requirements of §4.2 shall apply, unless an alternative is approved by the zoning administrator in accordance with the requirements below:

- C. The data must be obtained either from relevant studies published in professional publications; or from primary studies of no fewer than three comparable developments within the regional, Washington Metropolitan Statistical Area.

BE IT FURTHER ORDAINED, by the City Council of the City of Fairfax, Virginia, that Chapter 110, Article 4, §4.4.1, of the Code of the City of Fairfax, Virginia, is hereby amended as follows:

§4.4.1. Applicability

- B. Nonresidential buildings and structures lawfully existing as of the effective date of this chapter may be redeveloped, renovated or repaired without providing pedestrian facilities in conformance with §4.4., provided there is no increase in gross floor area in such building or structure, ~~or~~ no more than 10 percent increase in impervious surface on the site, or as otherwise provided for in this chapter.

BE IT FURTHER ORDAINED, by the City Council of the City of Fairfax, Virginia, that Chapter 110, Article 4, §4.4.4, of the Code of the City of Fairfax, Virginia, is hereby amended as follows:

§4.4.4. Sidewalks

Sidewalks shall be placed within the right-of-way or public easement as specified below.

BE IT FURTHER ORDAINED, by the City Council of the City of Fairfax, Virginia, that Chapter 110, Article 4, §4.5.3, of the Code of the City of Fairfax, Virginia, is hereby amended as follows:

§4.5.3. Exemptions

- A. Unless otherwise expressly stated, the landscaping regulations of §4.5 do not apply to the ~~construction or~~ expansion of individual single-family detached, single-family attached and/or duplexes dwellings.

BE IT FURTHER ORDAINED, by the City Council of the City of Fairfax, Virginia, that Chapter 110, Article 4, §4.5.6, of the Code of the City of Fairfax, Virginia, is hereby amended as follows:

§4.5.6. Tree requirements

- A. Tree canopy

The following 10-year minimum tree canopy requirements shall apply in the respective districts:

ZONING DISTRICTS		TREE CANOPY (PERCENT)
RESIDENTIAL DISTRICTS		
RL	Residential Low	25
RM	Residential Medium	20
RH	Residential High	20
RT-6	Residential townhouse	15
RT	Residential townhouse	15
RMF	Multifamily	10
NONRESIDENTIAL DISTRICTS		
CL	Commercial Limited	10
CO	Commercial Office	10
CR	Commercial Retail	10
CG	Commercial General	10
IL	Industrial Light	10
IH	Heavy Industrial	10
PLANNED DEVELOPMENT DISTRICTS		
PD-R	Planned Development Residential	20
PD-M	Planned Development Mixed Use	10
PD-C	Planned Development Commercial	10
PD-I	Planned Development Industrial	10

B. Street trees

In all general districts except the RL, RM, RH and CU districts, a minimum ten foot wide landscaped strip shall be provided along all streets. Street trees shall be required along all streets at the rate of one canopy tree for every 40 linear feet and spaced a maximum of 50 feet part.

BE IT FURTHER ORDAINED, by the City Council of the City of Fairfax, Virginia, that Chapter 110, Article 4, §4.5.8, of the Code of the City of Fairfax, Virginia, is hereby amended as follows:

§4.5.8. Screening

A. Features to be screened

The following features must be screened from view of public rights-of-way, public open spaces and from lots used or zoned for residential purposes, as specified in §4.5.8.

- ~~5. Recreational vehicles and commercial vehicles, subject to §4.5.8.F;~~
- ~~65. Roof-mounted mechanical equipment, subject to §4.5.8.GF; and~~
- ~~76. Trash receptacles and service areas, subject to §4.5.8.HG.~~

D. Outdoor storage of materials, supplies, vehicles and equipment

1. On nonresidential lots, Aall stored materials, supplies, merchandise, vehicles, commercial vehicles, boats (or similar), trailers, recreational vehicles, equipment, or other similar materials that are not on display for direct sale, rental or lease to the ultimate consumer or user must be screened by a landscaping or solid fenceing; or wall, dense hedge, or combination of such features with a minimum height of six feet at the time of installation. (See also §4.10)
2. On residential district lots, such storage all stored materials, supplies, equipment, or other similar materials, including any vehicles, trailers, commercial vehicles, boats (or similar), recreational vehicles, or similar vehicles kept on an unsurfaced area, shall be located on the rear half of the lot in the side or rear yard, screened from the view from the street and the first story of any neighboring dwelling to the extent possible by landscaping or solid fencing or wall, and the total area for such outdoor storage shall not occupy more than 100 square feet25 percent of the side and rear yards combined, provided that storage of materials and equipment related to a construction project for which a valid permit is in effect shall be allowed

~~where the storage is maintained in an orderly condition and does not constitute a hazard.~~

- ~~3. On residential lots, one commercial vehicle of a weight less than 9,000 pounds, one commercial trailer, or one noncommercial vehicle of a weight more than 9,000 pounds but less than 15,000 pounds may be kept in accordance with the provisions of City Code, Section 98-147(c). Screening shall not be required provided the vehicle or trailer is kept on a surfaced area.~~
- ~~4. On residential lots, a boat(s) (or similar) on a trailer or one and noncommercial trailers may be kept without screening, provided the trailer is kept on a surfaced area.~~
- ~~5. On residential lots, screening shall not be required for firewood, outdoor furniture, portable grills, or similar items accessory to the residential use or for storage of materials and equipment related to a construction project for which a valid building permit is in effect and where the materials and equipment are maintained in an orderly condition and do not constitute a hazard.~~

~~F. Recreational vehicles and commercial vehicles~~

~~Notwithstanding other provisions to the contrary, recreational vehicles or commercial vehicles may be stored on unsurfaced areas in the side and rear yards of residential lots provided they are screened from the street and adjacent properties to the extent possible by landscaping or wood fencing.~~

~~GF. Roof-mounted mechanical equipment~~

- ~~1. Roof-mounted mechanical equipment (e.g., air conditioning, heating, cooling, ventilation, exhaust and similar equipment, but not elevator shafts, solar panels, wind energy or similar renewable energy devices) over 30 inches in height must be screened from ground-level view at the property line in one of the following ways:
 - ~~(a) A parapet wall;~~
 - ~~(b) A solid screen, which shall be an integral part of the building's architectural design; or~~
 - ~~(c) An equipment setback from roof edges that is at least three feet in depth for each one foot of equipment height.~~~~
- ~~2. Fire safety access shall be provided.~~

~~HG. Trash receptacles and service areas~~

- ~~1. Trash receptacles and service areas (e.g., recycling containers, grease barrels, medical waste bins) must be screened from view of streets and all abutting lots with a solid wall or opaque fence, with doors or gates, at least six feet in height.~~
- ~~2. Trash receptacles and service areas may be located in parking lot but shall not reduce applicable parking requirements.~~
- ~~3. Trash receptacles and service areas may not be located in the required front or side (street) yard.~~

~~HH. Landscape materials and design~~

~~Landscape material used to satisfy the screening requirements of §4.5.8 are subject to the regulations of §4.5.9.~~

BE IT FURTHER ORDAINED, by the City Council of the City of Fairfax, Virginia, that Chapter 110, Article 4, §4.5.9, of the Code of the City of Fairfax, Virginia, is hereby amended as follows:

§4.5.9. Landscape materials and design

D. Existing trees and vegetation

1. Tree management plan

A tree management plan shall be required prior to the removal or destruction of existing trees that are at least five inches in diameter measured at breast height (DBH), including the following information, except as deemed necessary by the zoning administrator:

- (a) The location, size, condition and species of all trees which are at least five inches in diameter to be preserved or removed;
- (b) The location, size and species of all trees to be preserved and/or removed;

2. Tree protection during construction
 - (a) Existing trees, ~~except in the RL, RM, RH zoning districts,~~ specified on the landscape plan to remain on the site shall be protected from vehicular movement and material storage over their root spaces during construction. An undisturbed area with a porous surface shall be reserved around a tree, based on the drip line or as specified by an arborist or landscape architect.
 - (b) A temporary tree protection fence shall be installed along the drip line. ~~(See also section 86-4 of the City Code)~~

BE IT FURTHER ORDAINED, by the City Council of the City of Fairfax, Virginia, that Chapter 110, Article 4, §4.6.4, of the Code of the City of Fairfax, Virginia, is hereby amended as follows:

§4.6.4. Prohibited signs

- B. Prohibited sign types
The following sign types are specifically prohibited.

4. Portable signs
Any sign not permanently attached to the ground or other permanent structure or a sign designed to be transported, including, but not limited to, signs designed to be transported by means of wheels; and signs attached to or painted on vehicles parked and visible from the public right-of-way, unless said vehicle is used in the normal day-to-day operations of the business, except for ~~temporary~~ sandwich board signs as permitted by §4.6.12~~1~~.

BE IT FURTHER ORDAINED, by the City Council of the City of Fairfax, Virginia, that Chapter 110, Article 4, §4.6.5, of the Code of the City of Fairfax, Virginia, is hereby amended as follows:

§4.6.5. General sign regulations

- C. Illumination
Unless otherwise specified in §4.6, signs may be illuminated from within or from an external source, as follows:
 1. Monument signs in residential districts or within 100 feet of and visible from a residential district shall be illuminated by external white light only. All other signs within 100 feet of a residential district shall not be illuminated. ~~Illuminated signs shall not be located within 100 feet of any residential district. No sign greater than six feet in height that is located within 200 feet of any residential district shall be illuminated between the hours of 10:00pm and 6:00am.~~
 2. No sign greater than ten feet in height that is located within 200 feet of and visible from any residential district shall be internally illuminated between the hours of 10:00pm and 6:00am.
 23. Sign illumination shall not cause glare onto any building or land, or interfere with pedestrian, vehicular or bicycle traffic safety.
 34. Except as specified for seasonal displays (§4.6.3.F) and “open” signs (§4.6.3.C), all external and internal lighting, including illuminated tubing, exposed bulbs, strings of lights and other lights sources, shall be directed toward a sign face and shielded from direct view.
 45. Signs shall not be illuminated by a string of lights placed around the sign.
- D. Design, construction and maintenance
 5. The owner of any advertising sign, ~~other than a permitted off-premises sign,~~ located on commercial property where the use or business has ceased operating shall, within 60 days of the cessation of use or business operation, replace the sign face with a blank face until such time as a use or business has resumed operating on the property.

BE IT FURTHER ORDAINED, by the City Council of the City of Fairfax, Virginia, that Chapter 110, Article 4, §4.6.8, of the Code of the City of Fairfax, Virginia, is hereby amended as follows:

§4.6.8. Signs allowed by district

Signs types shall be allowed as specified in the table below.

C. General use districts

Signs in general use districts shall be allowed by district in accordance with the table below.

KEY:

A = signs or other devices allowed without a sign permit

P = signs permitted only after issuance of a sign permit (See §6.9 for more information)

blank box = sign type prohibited in the respective district

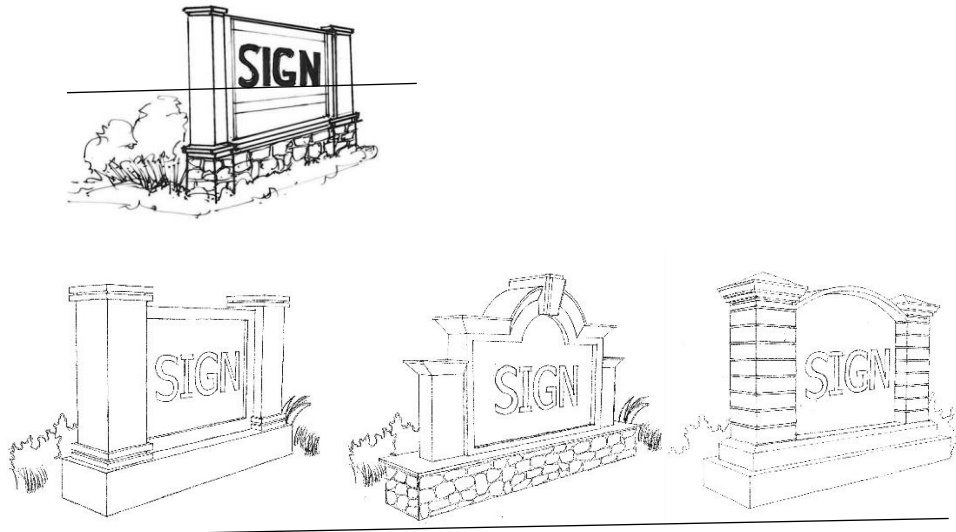
SIGN TYPES	RESIDENTIAL DISTRICTS						NONRESIDENTIAL DISTRICTS						STANDARDS	
	RL	RM	RH	RT-6	RT	RMF	CL	CO	CR	CU	CG	IL		IH
....														
SPECIAL SIGNS														
....														
Sandwich board							P	P	P	P	P	P	P	§4.6.11.J
TEMPORARY SIGNS														
Announcement or promotional							P	P	P	P	P	P	P	§4.6.12.B
Construction	A P	A P	A P	A P	A P	A P	A P	A P	A P	A P	A P	A P	A P	§4.6.12.BC
Political and noncommercial	A P	A P	A P	A P	A P	A P	A P	A P	A P	A P	A P	A P	A P	§4.6.12-ED
Real estate	A P	A P	A P	A P	A P	A P	A P	A P	A P	A P	A P	A P	A P	§4.6.12-FE
Sandwich board							A	A	A	A	A	A	A	§4.6.12-G
Seasonal product sales								P	P	P	P	P	P	§4.6.12.HF
Special event	A P	A P	A P	A P	A P	A P	A P	A P	A P	A P	A P	A P	A P	§4.6.12+G

BE IT FURTHER ORDAINED, by the City Council of the City of Fairfax, Virginia, that Chapter 110, Article 4, §4.6.9, of the Code of the City of Fairfax, Virginia, is hereby amended as follows:

§4.6.9. Monument signs

A. Description

A on-premises ground-mounted sign used to identify nonresidential uses and subdivisions in residential districts, or nonresidential uses or developments in nonresidential districts, that is anchored and mounted on a dressed base or platform, which encloses the structural members that support the sign with brick, masonry, or painted metal with the bottom of the sign face at the base, at grade and not exceeding the specified overall height. Monument signs are the only ground-mounted signs allowed in the city of Fairfax.



E. Location

1. Monument signs shall be permitted only on ~~lots~~ sites with at least 100 feet of street frontage.
2. Such signs shall be setback at least 10 feet from all property lines.

BE IT FURTHER ORDAINED, by the City Council of the City of Fairfax, Virginia, that Chapter 110, Article 4, §4.6.11, of the Code of the City of Fairfax, Virginia, is hereby amended as follows:

§4.6.11. Special signs

A. Changeable copy signs

2. Location

Changeable copy signs may be included as a part of an otherwise permitted monument sign in any nonresidential district or as permitted subject to the provisions of §3.5.2.B.4, §3.5.2.G, §3.5.2.H.4, or §3.5.2.I.4, provided the sign otherwise complies with all requirements for monument signs. (See also §4.6.9)

~~4. Illumination~~

~~All sign illumination shall be internal, except in the historic overlay districts of §3.7.2. (See also §4.6.5.C)~~

~~5. Electronic technology~~

~~Signs utilizing electronic technology shall be prohibited.~~

C. Directional signs

1. Description

On-premises building-mounted or ground-mounted, ~~monument~~ informational signs ~~without commercial information or logos designed used for the convenience and necessity of the public, including to provide providing directions and without commercial information or logos.~~

2. Number

~~Up to one~~ two directional signs per street frontage shall be permitted ~~per building within the required setback. Up to 32 square feet of additional directional signage shall be permitted on the remainder of the site.~~

3. Area

Directional signs shall not exceed four square feet in area and no more than six feet height for building-mounted signs, or three square feet in area and three feet in height for ~~monument~~ ground-mounted signs.

4. Location

Located on the subject land, building or premises at least 10 feet from all property lines, or on a fence or wall.

J. Sandwich board signs

1. Description

On-premises movable sign constructed of durable materials, which has two flat faces, with or without changeable copy.

2. Area

Not to exceed six square feet per face.

3. Number

One per business or use.

4. Location

Located adjacent to a principal building wall and extending to a distance no greater than 10 feet from the wall. Such display shall not be permitted to: block entrances or exits, impair the ability of pedestrians to use sidewalks, or be located within landscape areas or parking areas.

5. Duration

Must be removed when the store is closed.

BE IT FURTHER ORDAINED, by the City Council of the City of Fairfax, Virginia, that Chapter 110, Article 4, §4.6.12, of the Code of the City of Fairfax, Virginia, is hereby amended as follows:

§4.6.12. Temporary signs

B. Announcement or promotional signs

4. Location

Such signs shall be located where permanent building-mounted signs may be located or on the subject land at least 10 feet from all property lines where no building exists.

~~D~~C. Construction signs

1. Description

On premises signs identifying architects, engineers, contractors and other individuals or firms involved with construction on the premises, the name of the building or project, the intended purpose of the building, and/or the expected completion date.

2. Area

Not to exceed 10 square feet in ~~the RL, RM and RH residential~~ residential districts, 32 square feet in ~~all other~~ nonresidential districts.

3. Number

(a) A maximum total of two such signs per development.

(b) No individual residential unit may have more than one such sign.

4. Height

Not to exceed five feet in height.

5. Location

Located on the subject land or premises advertised at least 10 feet from all property lines, or on a fence (permanent or temporary) or wall.

6. Duration

Must be removed prior to the issuance of a final zoning permit.

~~E~~D. Political and noncommercial message signs

1. Description

On-premises signs expressing support for a candidate for public office or other position regarding a public figure or any noncommercial message.

2. Area

Not to exceed 10 square feet in ~~the RL, RM and RH residential~~ residential districts, 32 square feet in ~~all other~~ nonresidential districts.

3. Number

Limited to a maximum of one sign per street frontage.

4. Height

Not to exceed five feet in height.

5. Location

Located on the subject land, building or premises advertised at least 10 feet from all property lines, or on a fence (permanent or temporary) or wall.

6. Duration

Placed for a maximum of 90 days.

FE. Real estate signs

1. Description
On-premises signs advertising the premises for sale, rent or lease.
2. Area
Not to exceed 10 square feet in ~~the RL, RM and RH~~ residential districts, 32 square feet in ~~all other~~ nonresidential districts.
3. Number
Limited to a maximum of one sign per street frontage.
4. Height
Not to exceed five feet in height.
5. Location
Located on the subject land, building or premises advertised at least 10 feet from all property lines, or on a fence (permanent or temporary) or wall.
6. Duration
Must be removed upon settlement or closing of sale, or leasing of 75 percent of leasable floor area.

~~G.~~ Sandwich board signs

- ~~1. Description
On-premises movable sign constructed of durable materials, which has two flat faces, with or without changeable copy.~~
- ~~2. Area
Not to exceed six square feet per face.~~
- ~~3. Number
One per business or use.~~
- ~~4. Location
Located must not impede pedestrian flow.~~
- ~~5. Duration
Must be removed when the store is closed.~~

HF. Seasonal product sales signs

1. Description
On-premises signs displayed in conjunction with a seasonal stand or vendor location for seasonal sales, of produce, fireworks, Christmas trees and similar products.
2. Area
Not to exceed 20 square feet.
3. Number
A maximum of one sign shall be allowed per use.
4. Location
Located must not impede pedestrian flow.
5. Height
Not to exceed five feet in height.
6. Duration
Such signs shall have the same duration as the temporary use permit issued for the stand.

IG. Special event signs

1. Description
On-premises signs advertising special events sponsored or co-sponsored by the city, community group or any other nonprofit organization including banners.
2. Area
Not to exceed 32 square feet.
3. Location
Such signs shall be located where permanent building-mounted signs may be located or on the subject land at least 10 feet from all property lines where no building exists.
4. Duration
Permitted for a maximum of 30 days per event, and up to 90 days per year.

BE IT FURTHER ORDAINED, by the City Council of the City of Fairfax, Virginia, that Chapter 110, Article 4, §4.9.2, of the Code of the City of Fairfax, Virginia, is hereby amended as follows:

§4.9.2. Applicability

This section shall apply to the construction, ~~renovation~~ or redevelopment of large format retail buildings with aggregate floor area of more than 30,000 square feet.

BE IT FURTHER ORDAINED, by the City Council of the City of Fairfax, Virginia, that Chapter 110, Article 4, §4.10.3, of the Code of the City of Fairfax, Virginia, is hereby amended as follows:

§4.10.3. Outdoor storage

B. Limited outdoor storage

1. Limited outdoor storage includes garden supplies, building supplies, plants, ~~vehicle sales and services~~, play equipment and other similar uses.
2. Limited outdoor storage shall comply with the following standards:
 - (a) No outdoor storage shall be allowed in required front or side yards or within 15 feet of any public right-of-way, whichever is greater.
 - (b) Outdoor storage may be located to the side of a building, provided it is not located within the required side yard (setback).
 - (c) No outdoor storage shall be permitted within required parking lots or spaces.
 - (d) Any rear yard may be used for outdoor storage purposes.
3. ~~Vehicles for sale or rent shall be located and displayed on a paved parking lot screened under the same requirements as for a parking lot. (See also §4.5.7)~~

BE IT FURTHER ORDAINED, by the City Council of the City of Fairfax, Virginia, that Chapter 110, Article 4, §4.11, of the Code of the City of Fairfax, Virginia, is hereby amended as follows:

§4.11. Underground utilities

- A. ~~Unless specifically exempt, all existing and proposed development for which site plan approval is required (see §6.8) shall meet the provisions of §4.11.~~
- AB. All on-site utilities shall be installed underground at the applicant's expense in accordance with city and applicable utility company standards; provided that temporary overhead facilities required for construction purposes shall be permitted.
- BC. When the proposed development will result in moving or relocating existing overhead utilities located in adjoining rights-of-way, the applicant shall be responsible for placing such utilities underground and dedicating any additional right-of-way or easement that is necessary. Equipment such as electric distribution transformers, switch gear, meter pedestals and telephone pedestals which is normally installed above ground in accordance with generally accepted utility practice for underground distribution may be so installed.
- CD. Special exceptions to the above requirement shall only be granted by the city council pursuant to the procedures and limitations of §6.17.

BE IT FURTHER ORDAINED, by the City Council of the City of Fairfax, Virginia, that Chapter 110, Article 4, §4.14.4, of the Code of the City of Fairfax, Virginia, is hereby amended as follows:

§4.14.4. Noise

D. Exemptions

2. The following uses and activities shall be exempt from the provisions of §4.14:
 - (g) Any noise conducted in connection with a special use permit issued by the city and displayed at the place of noise generation, provided that such noise does not exceed the limits established therein; ~~and~~

- (h) Any noise arising from lawn mowing or use of any electrical, hand or gas-powered garden equipment associated with gardening or grounds maintenance activities, provided that no such equipment shall be utilized except between the hours of 8:00am and 8:00pm; and

BE IT FURTHER ORDAINED, by the City Council of the City of Fairfax, Virginia, that Chapter 110, Article 4, §4.15.6, of the Code of the City of Fairfax, Virginia, is hereby amended as follows:

§4.15.6. Establishment of special flood hazard areas

A. Description of special flood hazard districts

The various special flood hazard districts shall include the special flood hazard areas. The basis for the delineation of these districts shall be the flood insurance study and the FIRM for the city prepared by FEMA, dated June 2, 2006, and any subsequent revisions or amendments thereto. The city may identify and regulate local flood hazard or ponding areas that are not delineated on the FIRM. These areas may be delineated on a local flood hazard map using best available topographic data and locally derived information such as flood of record, historic high water marks or approximate study methodologies. The boundaries of the special flood hazard areas are established as shown on the FIRM which is declared to be a part of these regulations and which shall be kept on file at the city.

1. The floodway district is in an AE Zone and is delineated, for purposes of ~~These~~ regulations, using the criterion that certain areas within the floodplain must be capable of carrying the waters of the one percent annual chance flood without increasing the water surface elevation of that flood more than one foot at any point. The following provisions shall apply within the floodway district of an AE Zone [44 CFR 60.3(d)]:

BE IT FURTHER ORDAINED, by the City Council of the City of Fairfax, Virginia, that Chapter 110, Article 5, §5.5.2, of the Code of the City of Fairfax, Virginia, is hereby amended as follows:

§5.5.2. Powers and duties

B. Recommendations

The director shall be responsible for making recommendations regarding the following:

1. Text amendments (§6.3);
2. Map amendments (rezoning) (§6.4);
3. Certificates of appropriateness, ~~minor~~ major (§6.5);
4. Planned development reviews (§6.6); and
5. Special use reviews (§6.7).

C. Final decisions

The director shall be responsible for making final decisions regarding the following:

1. Certificates of appropriates, minor (§6.5);

BE IT FURTHER ORDAINED, by the City Council of the City of Fairfax, Virginia, that Chapter 110, Article 5, §5.6.2, of the Code of the City of Fairfax, Virginia, is hereby amended as follows:

§5.6.2. Powers and duties

B. Recommendations

The zoning administrator shall be responsible for making recommendations regarding the following:

- ~~1. Certificates of appropriateness, major (§6.5);~~
21. Special exceptions (§6.17); and

32. Variances (§6.18).

BE IT FURTHER ORDAINED, by the City Council of the City of Fairfax, Virginia, that Chapter 110, Article 6, §6.2.3, of the Code of the City of Fairfax, Virginia, is hereby amended as follows:

§6.2.3. Application requirements

D. Fees

1. All applications shall be accompanied by the associated filing fee and shall be filed with the applicable review official or body.
2. Filing fees shall be established from time to time by resolution of the city council to cover all actual costs associated with the processing of applications. Such costs shall include but not be limited to all costs associated with application review and the provision of required public notices. (See § 15.2-2286(A)(6), Code of Virginia, for more information.)
3. Organizations exempt from taxation pursuant to section 501(c)(8) or section 501(c)(19) of the Internal Revenue Code shall be exempt from the payment of fees for temporary use permits for said organizations.
34. Filing fees are not refundable except where an application was accepted in error, the fee paid exceeded the amount due, or where an application is withdrawn by the applicant in writing prior to any significant expenditure of time reviewing the application and prior to publication of any notices.

BE IT FURTHER ORDAINED, by the City Council of the City of Fairfax, Virginia, that Chapter 110, Article 6, §6.2.5, of the Code of the City of Fairfax, Virginia, is hereby amended as follows:

§6.2.5. Notice and public hearing

B. Public notice requirements

2. Mailed notice

(c) All other

- (1) Where mailed notice is required for applications other than text or map amendments, notice of public hearing or administrative action may shall be mailed by first-class mail (at the last addresses listed for such owners in the city tax records) to all property owners within and immediately abutting the subject property. Where the subject property immediately adjoins public or private right-of-way, landscape or riparian buffer, commonly-owned private area, public property, or owners' association property, then letters of notification shall be sent to adjoining property owners as if they directly abut the subject property. The staff mailing such notices shall certify to the city council that fact, and such certificate shall be deemed conclusive.
- (2) The notice shall be mailed at least ~~10~~5 days prior to the date of the public hearing.

BE IT FURTHER ORDAINED, by the City Council of the City of Fairfax, Virginia, that Chapter 110, Article 6, §6.3.3, of the Code of the City of Fairfax, Virginia, is hereby amended as follows:

~~§6.3.3. Application requirements~~

~~An application for a text amendment shall be submitted in accordance with the applicable requirements of §6.2.3.~~

BE IT FURTHER ORDAINED, by the City Council of the City of Fairfax, Virginia, that Chapter 110, Article 6, §6.3.4, of the Code of the City of Fairfax, Virginia, is hereby amended as follows:

§6.3.43. Notice and public hearing

BE IT FURTHER ORDAINED, by the City Council of the City of Fairfax, Virginia, that Chapter 110, Article 6, §6.3.5, of the Code of the City of Fairfax, Virginia, is hereby amended as follows:

§6.3.54. Action by director of community development and planning

BE IT FURTHER ORDAINED, by the City Council of the City of Fairfax, Virginia, that Chapter 110, Article 6, §6.3.6, of the Code of the City of Fairfax, Virginia, is hereby amended as follows:

§6.3.65. Action by planning commission

BE IT FURTHER ORDAINED, by the City Council of the City of Fairfax, Virginia, that Chapter 110, Article 6, §6.3.7, of the Code of the City of Fairfax, Virginia, is hereby amended as follows:

§6.3.76. Action by city council

BE IT FURTHER ORDAINED, by the City Council of the City of Fairfax, Virginia, that Chapter 110, Article 6, §6.3.8, of the Code of the City of Fairfax, Virginia, is hereby amended as follows:

§6.3.87. Approval considerations

BE IT FURTHER ORDAINED, by the City Council of the City of Fairfax, Virginia, that Chapter 110, Article 6, §6.3.9, of the Code of the City of Fairfax, Virginia, is hereby amended as follows:

§6.3.98. Approval considerations

BE IT FURTHER ORDAINED, by the City Council of the City of Fairfax, Virginia, that Chapter 110, Article 6, §6.5.1, of the Code of the City of Fairfax, Virginia, is hereby amended as follows:

§6.5.1. Applicability

Certificates of appropriateness shall be reviewed in accordance with the provisions of §6.5.

- A. A certificate of appropriateness shall be required:
 1. To any material change in the appearance of a building, structure, or site visible from public places (rights-of-way, plazas, squares, parks, government sites, and similar) and located in a historic overlay district (§3.7.2), the Old Town Fairfax Transition Overlay District (§3.7.3), or in the Architectural Control Overlay District (§3.7.4). For purposes of §6.5, “material change in appearance” shall include construction; reconstruction; exterior alteration, including changing the color of a structure or substantial portion thereof; demolition or relocation that affects the appearance of a building, structure or site in the historic overlay district (§3.7.2); and
 2. To install, relocate or modify any sign not expressly exempt in a historic overlay district or in the Old Town Fairfax Transition Overlay District. (See also §4.6)
- B. Nothing in §6.5 shall be construed to be in conflict with any provision of this chapter or the Virginia Uniform Statewide Building Code (USBC) that permits the razing of unsafe structures.

BE IT FURTHER ORDAINED, by the City Council of the City of Fairfax, Virginia, that Chapter 110, Article 6, §6.5.3, of the Code of the City of Fairfax, Virginia, is hereby amended as follows:

§6.5.3. Certificate of appropriateness types

There are two types of certificate of appropriateness with differing levels of approval required for each. The criteria for establishing which type of certificate of appropriateness and the corresponding level of approval for each are indicated below.

A. Minor certificate of appropriateness

1. Applicability

A minor certificate of appropriateness shall include proposed changes to:

- (e) Signs in the Old Town Fairfax Historic Overlay and Old Town Fairfax Transition Overlay Districts as specified in §3.7.2.B.8 and §3.7.3.F, respectively ~~except as allowed pursuant to §4.6.3;~~

BE IT FURTHER ORDAINED, by the City Council of the City of Fairfax, Virginia, that Chapter 110, Article 6, §6.5.6, of the Code of the City of Fairfax, Virginia, is hereby amended as follows:

§6.5.6. Action by decision-making body

A. General (not involving other review by city council)

After receiving the director's report on proposed certificates of appropriateness, which do not involve other reviews described below, the board of architectural review (BAR) shall review the proposed certificates of appropriateness in accordance with the approval criteria of §6.5.7. The BAR may request modifications of applications in order that the proposal may better comply with the approval criteria. Following such review, the BAR may approve, approve with modifications or conditions, or disapprove the certificate of appropriateness application, or it may table or defer the application.

B. Other reviews

1. Prior to taking action on special use reviews, planned development reviews, special exceptions and map amendments (rezoning), the city council shall refer proposed certificates of appropriateness to the BAR for review in accordance with the approval criteria of §6.5.7.
2. In conjunction with special use reviews, planned development reviews, special exceptions and map amendments (rezoning), the city council may review the proposed certificate of appropriateness in accordance with the approval criteria of §6.5.7. The city council may request modifications of applications in order that the proposal may better comply with the approval criteria. Following such review, the city council may approve, approve with modifications or conditions, or disapprove the certificate of appropriateness application, or it may table or defer the application.

BE IT FURTHER ORDAINED, by the City Council of the City of Fairfax, Virginia, that Chapter 110, Article 6, §6.8.2, of the Code of the City of Fairfax, Virginia, is hereby amended as follows:

§6.8.2. Exemptions

The following shall be specifically exempt from the site plan review requirements of §6.8, but may require the issuance of a zoning permit in accordance with §6.20.

- A. Single-family detached dwellings and related accessory structures in the RL, RM and RH districts;
- B. Expansion of existing conforming structures and development features by up to 10 percent or 2,500 square feet, whichever is less, in floor area, number of units or building coverage area; and does not increase lot coverage;

- C. ~~Nonresidential Accessory~~ uses and facilities ~~in nonresidential districts~~ involving structures less than 500 square feet;
- D. Common amenity facilities, recreation and open space in approved subdivisions that have less than 2,500 square feet of associated land disturbance;
- E. Addition of bicycle parking when such parking is the only new parking being added; ~~and~~
- F. Public improvements made within a public right-of-way or easement by the city of Fairfax;
- G. Restriping or reconfiguring of an existing parking lot, including loading areas;
- H. Construction of trash enclosures and recycling enclosures, including installation of concrete pads over existing pavement;
- I. Addition or modification of site lighting facilities;
- J. Installation of wheel stops, landscape islands and curb and gutter, and similar features;
- K. Other changes that are similar to and carry no more impact than those listed above, as determined by the zoning administrator.

BE IT FURTHER ORDAINED, by the City Council of the City of Fairfax, Virginia, that Chapter 110, Article 6, §6.8.3, of the Code of the City of Fairfax, Virginia, is hereby amended as follows:

§6.8.3. Site plan types

There are two types of site plans with differing levels of approval required for each. The criteria for establishing the type of site plan required and the corresponding level of approval for each are indicated below.

A. Minor site plans

The following shall be reviewed as minor site plans, or plans of development, as specified below:

1. New or expanded paved areas and associated curb and gutter to support parking, loading, trash or recycling enclosures, or similar facilities, provided that the area of the expansion is less than 25 percent or 2,500 square feet (whichever is less) of the existing paved area;
- ~~2. Modification of screening or landscaping materials or design;~~
- ~~3. Minor expansion of a building or buildings, not to exceed the lesser of 25 percent of the floor area or 5,000 square feet beyond that which is shown on the original approved site plan or beyond that which is shown on a subsequent site plan for an expansion that was approved without utilizing these minor expansion provisions;~~ ~~or~~
3. Other changes that are similar to and carry no more impact than those listed above, as determined by the zoning administrator.
4. Plans of development described as follows:
 - (a) ~~Restriping or reconfiguring of an existing parking lot, including loading areas;~~ Modification of screening or landscaping materials or design.
 - (b) ~~Construction of trash enclosures and recycling enclosures, including installation of concrete pads over existing pavement;~~
 - (c) ~~Addition or modification of site lighting facilities;~~
 - (d) ~~Installation of wheel stops, landscape islands and curb and gutter, and similar features; or~~
 - (e) ~~Other changes to approved site plans or to projects that are similar to and carry no more impact than the one or more of subsection (a) through (c);~~ above, as determined by the zoning administrator.

BE IT FURTHER ORDAINED, by the City Council of the City of Fairfax, Virginia, that Chapter 110, Article 6, §6.8.10, of the Code of the City of Fairfax, Virginia, is hereby amended as follows:

§6.8.10. Dedication and improvements

- A. In the development of any property for which a major site plan is required in §6.8, the applicant shall be required to dedicate or provide a public easement for any additional right-of-way within the subject site necessary to the width required by this city for streets adjoining the property, to install curbs and gutters and pave all streets adjoining the property, and to install sidewalks in accordance with the policies and requirements of ~~City Code, Chapter 86, Subdivisions Regulations~~ this chapter, and the public facilities manual.

BE IT FURTHER ORDAINED, by the City Council of the City of Fairfax, Virginia, that Chapter 110, Article 6, §6.9.1, of the Code of the City of Fairfax, Virginia, is hereby amended as follows:

§6.9.1. Applicability

- B. No ~~ground-mounted monument, building-mounted, or special sign~~ or temporary (as applicable) sign shall be erected or replaced, or changed or altered, including replacing any part of the support structure of a sign and change/ alteration to the background of a sign or sign box, until the zoning administrator has approved a permit.

BE IT FURTHER ORDAINED, by the City Council of the City of Fairfax, Virginia, that Chapter 110, Article 6, §6.10.1, of the Code of the City of Fairfax, Virginia, is hereby amended as follows:

§6.10.1. Applicability

- B. Tree removal permits shall be required to remove or destroy any tree which is five inches or greater measured at breast height (DBH) on any lot larger than one-half acre in the RL, RM and RH zoning districts, and in all other districts. Tree removal permits shall not be required to be obtained prior to removing a tree if the tree has been determined a public health and safety menace in accordance with the applicable provisions of City Code, Chapter 38, Article III ~~by the zoning administrator.~~

BE IT FURTHER ORDAINED, by the City Council of the City of Fairfax, Virginia, that Chapter 110, Article 6, §6.11.3, of the Code of the City of Fairfax, Virginia, is hereby amended as follows:

§6.11.3. Action by director of public works

The director of public works will review floodplain permit applications in accordance with the approval criteria of ~~§6.13.3~~ §11.5.

BE IT FURTHER ORDAINED, by the City Council of the City of Fairfax, Virginia, that Chapter 110, Article 6, §6.12.4, of the Code of the City of Fairfax, Virginia, is hereby amended as follows:

§6.12.4. Action by director of public works

The director of public works will review erosion and sediment control permit applications in accordance with the approval criteria of ~~§6.13.3~~ §12.6.

BE IT FURTHER ORDAINED, by the City Council of the City of Fairfax, Virginia, that Chapter 110, Article 6, §6.13.3, of the Code of the City of Fairfax, Virginia, is hereby amended as follows:

§6.13.3. Action by director of public works

The director of public works will review Chesapeake Bay review applications in accordance with the approval criteria of ~~§6.13.3~~ §5.

BE IT FURTHER ORDAINED, by the City Council of the City of Fairfax, Virginia, that Chapter 110, Article 6, §6.17.5, of the Code of the City of Fairfax, Virginia, is hereby amended as follows:

§6.17.5. Action by zoning administrator

- B. Applications on historic district and the transition overlay district properties requiring a certificate of appropriateness will be submitted to the board of architectural review for recommendation prior to action by the decision-making body.

BE IT FURTHER ORDAINED, by the City Council of the City of Fairfax, Virginia, that Chapter 110, Article 6, §6.17.7, of the Code of the City of Fairfax, Virginia, is hereby amended as follows:

§6.17.7. Approval criteria

- A. In approving a special exception, decision-making bodies shall consider additional mitigation measures offered in support of the application, if any, and whether granting the special exception will:
 2. Not ~~not~~ materially and adversely affect adjacent land uses and the physical character of uses in the immediate vicinity of the proposed development because of inadequate transitioning, screening, setbacks and other land use considerations;

BE IT FURTHER ORDAINED, by the City Council of the City of Fairfax, Virginia, that Chapter 110, Article 6, §6.21.10, of the Code of the City of Fairfax, Virginia, is hereby amended as follows:

§6.21.10. Appeals to court

Final decisions of the board of zoning appeals may be appealed within 30 days of the decision in accordance with §6.~~22.323~~.

BE IT FURTHER ORDAINED, by the City Council of the City of Fairfax, Virginia, that Chapter 110, Article 6, §6.22.10, of the Code of the City of Fairfax, Virginia, is hereby amended as follows:

§6.22.10. Appeals to court

Final decisions of the city council on certificates of appropriateness may be appealed within 30 days of the decision in accordance with §6.~~22.323~~.

BE IT FURTHER ORDAINED, by the City Council of the City of Fairfax, Virginia, that Chapter 110, Article 8, §8.4.4, of the Code of the City of Fairfax, Virginia, is hereby amended as follows:

§8.4.4. Notice of right to appeal

Any written notice of a zoning violation or a written order of the zoning administrator, including a summons or ticket as described above, shall include a statement informing the recipient that he may have a right to appeal the notice of a zoning violation or a written order within 30 days in accordance with this chapter, and that the decision shall be final and may not be appealed if not appealed within 30 days. The appeal period shall not commence until such notice is given and mailed or posted as required under applicable law.

BE IT FURTHER ORDAINED, by the City Council of the City of Fairfax, Virginia, that Chapter 110, Article 9, §9.3.1, of the Code of the City of Fairfax, Virginia, is hereby amended as follows:

§9.3.1. General terms

~~AVERAGE FINISHED GRADE: The reference plane level representing the average finished ground level adjoining a building at exterior walls. For measurement purposes, average finished grade shall mean the average of four elevations, taken at ground level at the lowest point along four building facades.~~

~~BASEMENT: Any area of the building having its floor sub-grade (below ground level) on all sides. A story that is not a story above grade plane (for areas subject to Floodplain Regulations, see definition in §4.15.15).~~

CEMETERY: Land used or intended to be used for the burial of the dead, whether human or animal, including a mausoleum or columbarium.

~~CREMATORIUM: A place where bodies are consumed by incineration and the ashes of the deceased are collected for permanent burial or storage in urns.~~

CHESAPEAKE BAY PRESERVATION AREA OR CBPA: Any land designated by the city council pursuant to Code of Virginia, § 10.1-2107. A Chesapeake Bay preservation area shall consist of a resource protection area and a resource management area.

CORNER LOT: See §1.5.

CREMATORIUM: A place where bodies are consumed by incineration and the ashes of the deceased are collected for permanent burial or storage in urns.

DANCING AREAS: Any area designed or intended for dancing.

GOVERNMENTAL USE: The use of land and buildings maintained by any governmental agency for administrative, cultural, educational, health or welfare purposes, for water supply, sewerage, public safety or automobile parking purposes. The use of land and buildings maintained by any governmental agency for administrative, cultural, educational, health or welfare purposes, for water supply, sewerage, public safety or automobile parking purposes, but not including any materials or equipment yard.

GRADE PLANE: A reference plane representing the average of finished ground level adjoining the building at exterior walls. Where the finished ground level slopes away from the exterior walls, the reference plane shall be established by the lowest points within the area between the building and the lot line or, where the lot line is more than six feet from the building, between the building and a point six feet from the building.

GROCERY STORE: A store with 5,000 square feet or more that sells food.

IMPERVIOUS SURFACE: A surface composed of any material that significantly impedes or prevents natural infiltration of water into the soil. (See also §1.5.7.B).

~~INFORMATIONAL OR DIRECTIONAL SIGN: Signs giving information or direction for the convenience and necessity of the public; i.e., "entrance," "exit," "office," "no admittance," "no trespassing," "telephone," "parking," "loading only," "no hunting, fishing, or swimming," "bad dog," "full service," "self service," and similar directives.~~

INTERMITTENT STREAM: A channel with flowing water during certain times of the year, when groundwater provides water for stream flow. During dry periods, intermittent streams may not have flowing water. Runoff from rainfall is the primary source of water for stream flow.

LANDSCAPING: Any live plant material such as trees, shrubs, ground cover, and grass used in spaces void of any impervious material or building structures, areas left in their natural state or areas where mulch is used as a ground cover.

LEARNING CENTER: Instruction of more than three students at one time.

LEGISLATIVE ACTION OR DECISION: Discretionary regulatory decision or approval by the planning commission or city council regarding text amendments, map amendments (rezoning) or special use review under this chapter; a reasonably debatable action that could result in a decision that promotes the general welfare of the city.

LOT LINE, REAR: The lot line that is most distant from, and is most nearly parallel with, the front lot line. See also §1.5.12.D.

OLD TOWN FAIRFAX: Old Town Fairfax Historic Overlay District and the Old Town Fairfax Historic Transition Overlay District. (See §3.7.2.B and §3.7.3)

OUTPARCEL: ~~Individual retail sites in a retail center that, when combined, are less than the square footage of the attached retail spaces which form the majority of the square footage of the center.~~ A separate legal parcel on the same site.

PREMISES: The term “premises” is interchangeable with the term “~~lotsite.~~”

RETAIL, LARGE FORMAT: A building that ~~either~~ occupies more than 30,000 square feet on one or on more than one level dedicated to one or more principal retail commercial land use(s), including, but not limited to grocery stores and shopping centers.

ROOF LINE: The top edge of the roof, which forms the top line of the building silhouette, which includes the parapet, but not including equipment structures.

SCHOOL, TECHNICAL, TRADE OR BUSINESS: A use providing education or training in business, commerce, language, or other similar activity such as a learning center or occupational pursuit, and not otherwise defined as a home occupation, college, university, nursery school, or public or private educational facility.

SIGN FACE: The area of a sign used for visual communication.

SIGN, INFORMATIONAL OR DIRECTIONAL: Signs giving information or direction for the convenience and necessity of the public; i.e., "entrance," "exit," "office," "no admittance," "no trespassing," "telephone," "parking," "loading only," "no hunting, fishing, or swimming," "beware of dog," "full-service," "self-service," and similar directives.

SIGN STRUCTURE: Anything built or constructed for the purpose of supporting a sign.

TUTORING: Personal instruction of up to three students at one time.

~~LEARNING CENTER: Personal instruction of more than three.~~

UNDERSTORY TREE: See §4.5.9.B.2.

UPPER STORY RESIDENTIAL/MIXED USE: A building constructed to accommodate nonresidential uses on the ground floor retail and upper story residential ~~or office uses.~~

~~VEHICLE PARTS STORE: A primarily retail establishment specializing in the sale of vehicle parts.~~

PLANNING COMMISSION PUBLIC HEARING: December 18, 2017

CITY COUNCIL PUBLIC HEARING: December 19, 2017

ENACTED: December 19, 2017

Neil Z Meyer

Mayor

12/27/17

Date

ATTEST:

Melinda K. Cullen

City Clerk

Votes

Councilmember DeMarco	Aye
Councilman Greenfield	Absent
Councilmember Miller	Aye
Councilmember Passey	Aye
Councilmember Schmidt	Aye
Councilmember Stehle	Aye