

City of Fairfax, Virginia  
City Council Regular Meeting



Agenda Item # 8a  
City Council Meeting 12/19/2017

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TO: Honorable Mayor and Members of City Council

FROM: Robert Sisson, City Manager *rs*

SUBJECT: Public hearing and Council action on an ordinance adopting proposed amendments to the Code of the City of Fairfax, Chapter 110 (Zoning) to amend portions of the 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.

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ISSUE(S): To conduct a public hearing and consider adoption of proposed amendments to the Code of the City of Fairfax, Chapter 110 (Zoning) to amend portions of the 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.

SUMMARY: Adoption of the attached ordinance would amend portions of the Zoning Ordinance. The Zoning Ordinance includes the City's land development regulations. A new Zoning Ordinance was adopted on July 12, 2016 and became effective on October 1, 2016. This ordinance repealed the previous Zoning Ordinance and readopted it with significant revisions. The draft amendments to the Zoning Ordinance were identified as part of the regular review and maintenance of the ordinance. The draft amendments were reviewed by the City Council and the Planning Commission at work sessions held in September and November 2017. The Planning Commission held a public hearing on the proposed amendments to the Zoning Ordinance on November 27, 2017 and recommended approval to the City Council with a recommendation that staff evaluate the nonconforming provisions associated with a type of outdoor storage.

FISCAL IMPACT: None at this time.

RECOMMENDATION: Adopt the proposed amendments.

ALTERNATIVE: Further amend, defer action, or do not adopt the proposed amendments.

RESPONSIBLE STAFF/  
POC: Community Development & Planning

COORDINATION: City Attorney; Code Administration; Public Works

ATTACHMENTS: Staff Memo; Draft Amendments Summary; Ordinance; Sample Motion

# MEMORANDUM

**To:** Honorable Mayor and Members of the City Council

**Through:** Robert Sisson, City Manager

**From:** Brooke Hardin, Director of Community Development & Planning

**Subject:** Proposed amendments to the Code of the City of Fairfax, Chapter 110 (Zoning) to amend portions of the 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.

**Meeting Date:** December 19, 2017



The Zoning Ordinance includes the City's land development regulations (for example, permitted uses by zoning district and standards for lot size, building height, and required yard and setback provisions). A new Zoning Ordinance was adopted on July 12, 2016 and became effective on October 1, 2016. This ordinance repealed the previous Zoning Ordinance and readopted it with significant revisions.

As part of the regular review and maintenance of the ordinance, staff compiled a list of draft amendments and summarized the purpose for each (attached). The City Council held work sessions on September 26, 2017 and November 7, 2017 to review and provide input on the draft amendments. On November 13, 2017, the Planning Commission adopted a motion to initiate amendments to the Zoning Ordinance.

On November 27, 2017, the Planning Commission held a public hearing and received testimony on the proposed amendments to the Zoning Ordinance. The Planning Commission unanimously recommended approval of the amendments with a recommendation that staff evaluate whether a nonconforming provision would need to be added in the proposed amendment to Section 4.5.8.D.4 or would the current code provisions for nonconformities be sufficient. Section 4.5.8.D.4, as was proposed, stated that, "On residential lots, a boat(s) (or similar) on a trailer or one noncommercial trailer may be kept without screening, provided the trailer is kept on a surfaced area." Testimony from the public at the hearing expressed concern regarding this screening requirement as well as its impact on existing boats and noncommercial trailers kept on surfaced areas of residential lots.

Based on review of applicable law, and in consultation with the City Attorney, the Zoning Administrator has determined that the nonconformities principle preserves the rights of substantial primary uses of land and buildings that are currently legal. Outdoor storage is an ancillary use on residential property, rather than a substantial primary use, and would not enjoy any nonconforming status. Alternatively, staff is recommending further amendment to Section 4.5.8.D.4 in order to respond to the public testimony and comments from the Planning Commission. The additional revision would eliminate the numerical limitation of one boat or one noncommercial trailer. Following the public hearing, staff recommends that the City Council approve the ordinance to amend the Zoning Ordinance.

## Draft Amendments to the City of Fairfax Zoning Ordinance

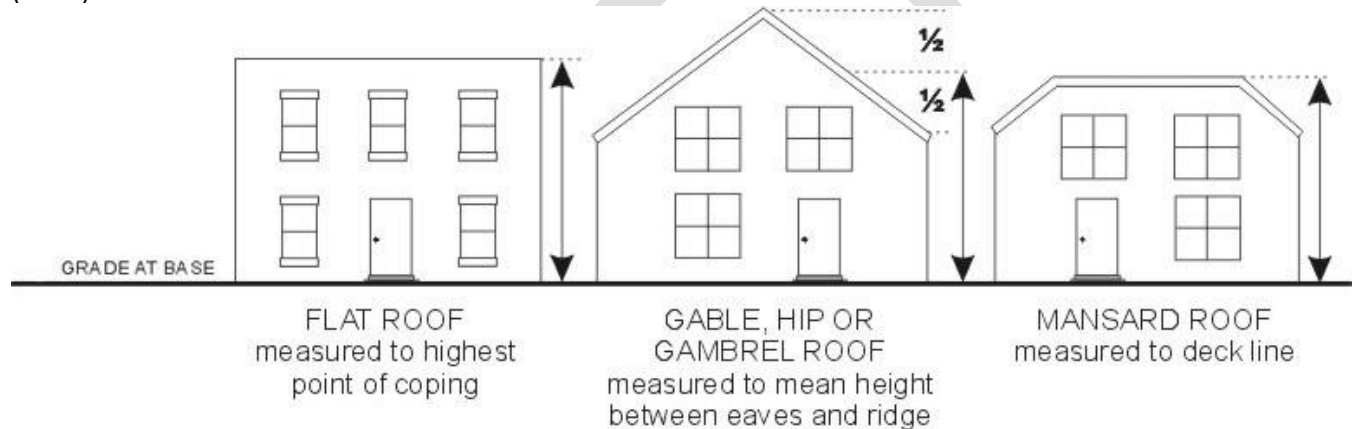
Below is a list of potential amendments to the City of Fairfax Zoning Ordinance (effective 10/1/16). Included within the list is a citation of the relevant ordinance section, a summary comment on the potential amendment, the current ordinance language and the proposed ordinance language.

### Article 1. Introductory Provisions

**§1.5.11.A.1 Measurement (page 1-7):** Proposed amendment would include terminology for “grade plane” consistent with the proposed definition in Article 9 (from the building code) and it would correct a clerical error.

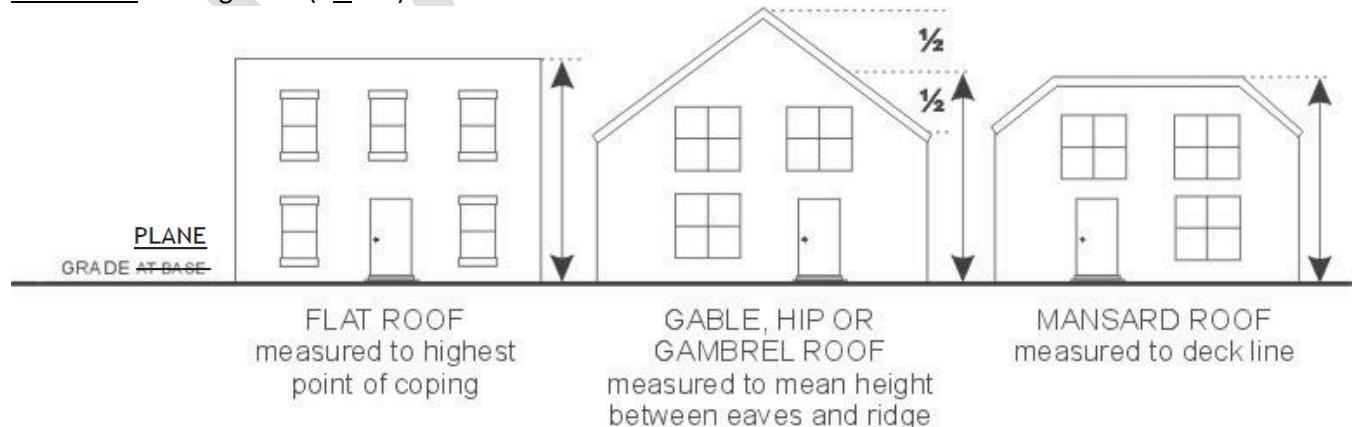
Current:

Height is the vertical distance from average finished grade, 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 Building Code (VSBC).



Proposed:

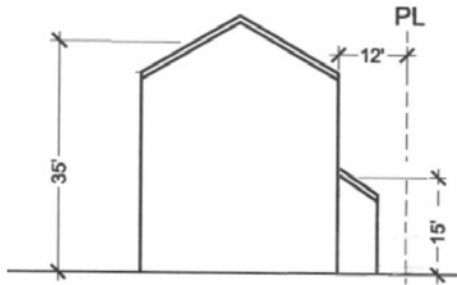
Height is the vertical distance from average finished grade plane, as defined in §9.3.1, to the highest point of the roof line of a flat roof, to the deck line of mansard roof, and to the mean height level (midpoint) between eaves and highest ridge point for gable, hip or gambrel roof; as specified in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



**§1.5.11.A.2 Exceptions (page 1-7):** Proposed amendment would add the 10 foot side (interior) yard dimension and the term “setback” to the graphic and revise the text to clarify its applicability to the 15 foot maximum height.

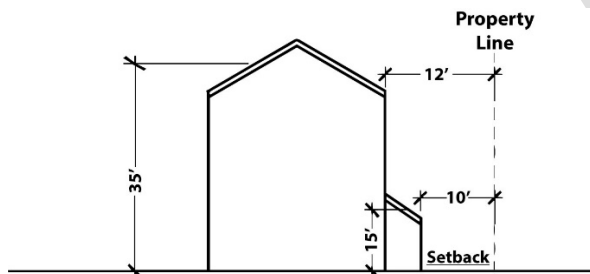
Current:

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



Proposed:

(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.



**§1.5.11.A.2 Exceptions (page 1-7):** Proposed amendment would revise the exception to the permitted maximum district height for chimneys from up to three feet to the extent required to meet the Virginia Uniform Statewide Building Code and would apply to all residential dwellings, not just single-family detached dwellings.

Current:

(e) Chimneys attached to single-family, detached dwelling may extend above the maximum height specified in the respective district by up to three feet.

Proposed:

(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.

**§1.5.11.B Stories (page 1-7):** Proposed amendment would revise the description of a story and include what constitutes a story above grade to be consistent with the building code and would clarify that a half story as

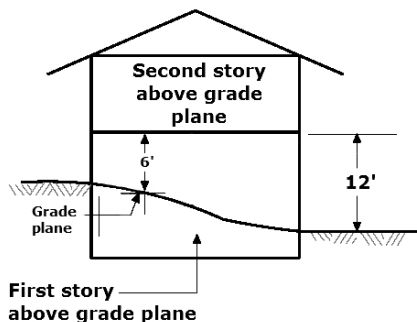
defined does not count against the maximum number of stories permitted, where applicable. A graphic would also be included to depict a story above grade.

Current:

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.
2. Berming will not result in the creation of additional stories not otherwise allowed.
3. Any basement that has any wall three feet above ground shall be counted as a story.

Proposed:

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.



**§1.5.12.A General (page 1-8):** Proposed amendment includes to the overall chapter as obstructions into the required yard are permitted for landscaping, fences, permitted encroachments, etc. in various sections of the chapter.

Current:

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).

Proposed:

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.

**§1.5.12.D.3 Exceptions (page 1-10):** Proposed amendment would add a provision to the rear yard measurement provisions for lots that come to a point in the rear or have a rear yard lot line less than ten feet in length.

Current:

- (a) On through lots, the lot line that is parallel to the front lot line will be considered a rear lot line.
- (b) 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.

Proposed:

- (a) On through lots, the lot line that is parallel to the front lot line will be considered a rear lot line.
- (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.

**§1.5.12.E Permitted encroachments (page 1-11):** Proposed amendment would reconcile the text with the designation in the table.

Current:

PERMITTED REQUIRED YARD ENCROACHMENTS				
OBSTRUCTION/PROJECTION INTO REQUIRED YARD (SETBACKS)	FRONT	SIDE (STREET)	SIDE (INTERIOR)	REAR
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	■	■	■	■

Proposed:

PERMITTED REQUIRED YARD ENCROACHMENTS				
OBSTRUCTION/PROJECTION INTO REQUIRED YARD (SETBACKS)	FRONT	SIDE (STREET)	SIDE (INTERIOR)	REAR
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	■	■	■	■

**§1.5.12.E Permitted encroachments (page 1-11):** Proposed amendment would add carports to the list of encroachments for side (interior) and rear yards.

Current: N/A

Proposed:

PERMITTED REQUIRED YARD ENCROACHMENTS				
OBSTRUCTION/PROJECTION INTO REQUIRED YARD (SETBACKS)	FRONT	SIDE (STREET)	SIDE (INTERIOR)	REAR

Carports may not project more than 3 feet into any required side (interior) or rear yard

**§1.5.12.E Permitted encroachments (page 1-11):** Proposed amendment would clarify that a driveway may encroach within the required side (interior) yard to the extent practicable. This would generally be applicable when a fixed structure (such as a house) prevents maintaining the setback.

Current:

PERMITTED REQUIRED YARD ENCROACHMENTS				
OBSTRUCTION/PROJECTION INTO REQUIRED YARD (SETBACKS)	FRONT	SIDE (STREET)	SIDE (INTERIOR)	REAR
Driveways for RL, RM and RH district uses may be located within side (interior) yard provided a minimum setback of 5 feet is maintained			■	

Proposed:

PERMITTED REQUIRED YARD ENCROACHMENTS				
OBSTRUCTION/PROJECTION INTO REQUIRED YARD (SETBACKS)	FRONT	SIDE (STREET)	SIDE (INTERIOR)	REAR
Driveways for RL, RM and RH district uses may be located within side (interior) yard provided a minimum setback of 5 feet is maintained <u>to the extent practicable</u>			■	

**§1.5.12.E Permitted encroachments (page 1-11):** Proposed amendment would permit the encroachment of mechanical equipment in the required rear yard.

Current:

PERMITTED REQUIRED YARD ENCROACHMENTS				
OBSTRUCTION/PROJECTION INTO REQUIRED YARD (SETBACKS)	FRONT	SIDE (STREET)	SIDE (INTERIOR)	REAR
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			■	

Proposed:

PERMITTED REQUIRED YARD ENCROACHMENTS				
OBSTRUCTION/PROJECTION INTO REQUIRED YARD (SETBACKS)	FRONT	SIDE (STREET)	SIDE (INTERIOR)	REAR
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			■	■

**§1.5.12.E Permitted encroachments (page 1-11):** Proposed amendment would add an encroachment for sidewalks and steps in the required side (interior) yard provided that to the extent practicable, they extend along rather than across the required side (interior) yard.

Current:

PERMITTED REQUIRED YARD ENCROACHMENTS				
OBSTRUCTION/PROJECTION INTO REQUIRED YARD (SETBACKS)	FRONT	SIDE (STREET)	SIDE (INTERIOR)	REAR
Sidewalks and steps used to ascend and descend porch, stoop, entryway, balcony or deck	■	■		■

Proposed:

PERMITTED REQUIRED YARD ENCROACHMENTS				
OBSTRUCTION/PROJECTION INTO REQUIRED YARD (SETBACKS)	FRONT	SIDE (STREET)	SIDE (INTERIOR)	REAR
Sidewalks and steps used to ascend and descend a porch, stoop, entryway, balcony or deck <u>provided that to the extent practicable, they extend across along rather than along across the required side (interior) yard</u>	■	■	■	■

**§1.5.12.E Permitted encroachments (page 1-11):** Proposed amendment would expand the provision regarding the encroachment of a wheelchair ramp to ADA facilities. The amendment would also not limit the encroachment to residential uses other than multifamily to include all uses, but specifies that the encroachment is for existing buildings (not buildings being constructed).

Current:

PERMITTED REQUIRED YARD ENCROACHMENTS				
OBSTRUCTION/PROJECTION INTO REQUIRED YARD (SETBACKS)	FRONT	SIDE (STREET)	SIDE (INTERIOR)	REAR
Wheelchair ramps accessory to residential uses other than multifamily to facilitate wheelchair access for the disabled, may extend a distance as needed into any required yard	■	■	■	■

Proposed:

PERMITTED REQUIRED YARD ENCROACHMENTS				
OBSTRUCTION/PROJECTION INTO REQUIRED YARD (SETBACKS)	FRONT	SIDE (STREET)	SIDE (INTERIOR)	REAR
Wheelchair ramps accessory to residential uses other than multifamily to facilitate wheelchair access for the disabled, <u>ADA facilities constructed for access to existing buildings</u> may extend a distance as needed into any required yard	■	■	■	■

**§1.5.12.F Exceptions (page 1-11):** Proposed amendment would correct clerical error and change the term “street” to “right-of-way.” Right-of-way is the dimension used to measure a centerline, as opposed to a constructed street.

Current:

1. Front and street (side), 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 as follows:

Proposed:

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:

**§1.5.12.F Exceptions (page 1-11):** Proposed amendment would correct figures to reflect the minimum required front and side (street) yard in the CL, CO, and CR districts, which is 20 feet, and adds 25 feet to that figure (totaling 45 feet).

Current:



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

Proposed:

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

Article 2. Zoning Map

**§2.1. ADOPTION OF MAPS (page 2-1):** Proposed amendment would correct a clerical error.

Current:

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 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.

Proposed:

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~~ 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.

Article 3. Zoning Districts and Regulations

**§3.3.1.B Principal uses (page 3-5):** Proposed amendment would provide a reference from the principal use table to the section of the ordinance that includes the special use requirement for large format retail development.

Current:

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.

Proposed:

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.

**§3.3.1.B Principal uses (page 3-6):** Proposed amendment would add Schools, technical, trade, business as a permitted use in the Commercial Limited (CL) district. Schools, technical, trade, business are only allowed if the practice of the trade being taught is otherwise an allowed use in the zoning district.

Current:

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	§3.5.3.G

Proposed:

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

**§3.3.1.B Principal uses (page 3-6):** Proposed amendment would delete vehicle parts stores as a use type in the table. Vehicle parts would be added as a use within the Retail, general use group.

Current:

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)														
Vehicle parts stores												P	P	P

Proposed:

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)														
Vehicle parts stores												P	P	P

**§3.4.1.C Developments with multiple principal uses (page 3-8):** Proposed amendment would delete a provision within the developments with multiple principal uses section. As amended, special uses on separate legal parcels within a development would be reviewed as would any other separate legal parcel.

Current:

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.

Proposed:

~~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.~~

**§3.4.1.F.1 Animal care facilities (page 3-9):** Proposed amendment would delete “animal grooming facility” from the Animal care facilities use group as it is included within the Services, general use group.

Current:

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.

Proposed:

~~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.~~

**§3.4.1.F.2 Offices, general (page 3-9):** Proposed amendment would add recording studios to the use group description for Offices, general.

Current:

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). General office does not include hospitals, medical offices or medical care facilities.

Proposed:

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.

**§3.4.1.F.4 Recreation, indoor (page 3-9):** Proposed amendment would delete the duplicate of a term listed twice (“gymnastic centers”).

Current:

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.

Proposed:

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.

**§3.4.1.F.7 Retail, general (page 3-10-3-11):** Proposed amendments would add vehicle parts to the list of items identified in the Retail, general use group.

Current:

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; or any similar use. General retail does not include any adult use.

Proposed:

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.

**§3.4.1.F.8 and §3.4.1.F.9 Services, general and Services, personal (page 3-11):** Proposed amendment would clarify the uses in the Services, general and Services, personal use groups. Dry cleaning and laundry pick-up and drop-off is added to the Services, personal group and some similar uses are moved from Services, general to Services, personal. Photography studio is also added to Services, personal.

Current:

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.

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, clothing rental, fitness training, massage therapy, marriage counseling, music lessons, physical therapy, psychic or medium, speech therapy, tattoo parlors, tutoring, yoga or dance studios, and similar places of business.

Proposed:

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.

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.

**§3.5.1.C Townhouses (page 3-14):** Proposed amendment would delete the townhouse use standard requiring the first floor of the dwelling to be 18 inches above the finished grade and would specify that direct vehicular access to a townhouse may not be taken from any public street.

Current:

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.
2. The maximum number of units allowed in a single building is ten.
3. 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.
4. 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)
5. No townhouse shall be constructed so as to provide direct vehicular ingress or egress to a collector street or an arterial.

Proposed:

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.

**§3.5.1.D.3.A Ground floor (page 3-15):** Proposed amendment would delete the upper story residential/mixed uses standard requiring the first floor of the building to be 18 inches above the sidewalk and the maximum first story height.

Current:

(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.

(2) 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.

Proposed:

~~(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.~~

~~(2) 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.~~

**§3.5.2.B.4 Signs (page 3-16):** Proposed amendment would include that directional signs are permitted for day care centers in addition to the permitted monument and wall signs. External white lighting would be allowed for monument and wall signs. Provisions also revised to provide consistency for signs at day care centers, religious institutions, schools, and social service delivery.

Current:

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.

Proposed:

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.

**§3.5.2.G Religious institutions (page 3-17):** Proposed amendment would include that directional signs are permitted for religious institutions in addition to the permitted monument and wall signs. External white

lighting would be allowed for monument and wall signs. Provisions also revised to provide consistency for signs at day care centers, religious institutions, schools, and social service delivery.

Current:

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.

Proposed:

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.

**§3.5.2.H.4 Signs (page 3-18):** Proposed amendment would include that directional signs are permitted for schools in addition to the permitted monument and wall signs. External white lighting would be allowed for monument and wall signs. Provisions also revised to provide consistency for day care centers, religious institutions, schools, and social service delivery.

Current:

Notwithstanding other provisions to the contrary, schools may have a monument sign of up to 32 square feet in area, six feet high or a wall sign of up to 32 square feet.

Proposed:

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.

**§3.5.2.I.4 Signs (page 3-19):** Proposed amendment would include that directional signs are permitted for social service delivery in addition to the permitted monument and wall signs. External white lighting would be allowed for monument and wall signs. Provisions also revised to provide consistency for day care centers, religious institutions, schools, and social service delivery.

Current:

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 a wall sign of up to 32 square feet.

Proposed:

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.

**§3.5.3.I Vehicle sales and leasing (page 3-29):** Proposed amendment would revise screening language for vehicle sales and leasing to make it consistent with screening language elsewhere in the ordinance.

Current:

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 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.

Proposed:

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.

**§3.5.4.E Vehicle storage and towing (page 3-30):** Proposed amendments would include a standard permitting the use of gravel or other material approved by the zoning administrator for vehicle storage and towing in industrial districts.

Current:

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.

Proposed:

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.

**§3.5.5.D.8 Day care homes, family (up to 12) (page 3-36):** Proposed amendment would delete the provision specifying that family day care homes are accessory to a single-family detached dwelling. The accessory use table (page 3-33) identifies the districts in which family day care homes are permitted and the use standards require that the facility is located within the principal residence of the operator.

Current:

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:

Proposed:

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:

**§3.5.5.D.9 Catering or delivery services (page 3-36):** Proposed amendment would clarify the permitted hours for delivery services.

Current:

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

Proposed:



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

**§3.5.5.D.12 Home occupations (page 3-39 and 3-40):** Proposed amendments would revise the phrase “on the premises” to “within the dwelling,” correct a clerical error, and acknowledge the additional operational standards for home business and student instruction. The definition of “premises” is proposed to be revised to meaning the same thing as a “lot” to meaning the same thing as a “site.” Amending the provisions for minor and major home occupations will ensure that those engage in the home occupation are residing in the dwelling (and not elsewhere on the site) and activities occur within the dwelling.

Current:

(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 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 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, 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 and employs no more than two employees not living on the premises;

(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.

(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.

Proposed:

(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.

**§3.5.5.D.14 Keeping of chickens (page 3-41):** Proposed amendments would permit the keeping of chickens by special use permit in the Residential Medium (RM) and Residential High (RH) zoning districts on lots with a minimum of 10,000 square feet in lot area.

Current:

(a) Applicability

In addition to RL district lots, keeping of chickens shall also be allowed on other single-family residential lots with a minimum of 20,000 square feet.

(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.

Proposed:

(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) Up to four chickens may be kept on RL district lots and on other single family residential lots with a minimum of 20,000 square. Three or fewer chickens, as may be authorized by special use, may be kept on RM and RH district lots with a minimum of 10,000 square feet.~~

~~(23)~~ The chickens shall be used only for non-commercial household egg production. Selling eggs and slaughtering chickens shall be prohibited.

~~(34)~~ The chickens shall be provided with a clean, covered, well-ventilated enclosure that is secure from predators.

~~(45)~~ The chickens must be kept in the covered enclosure or within a fenced or walled area at all times.

~~(56)~~ 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.

**§3.5.5.D.17 Outdoor dining and service areas (page 3-42):** Proposed amendment would remove reference to a canopy or cover associated with outdoor dining so as not to confer the encroachment of a structure that may not otherwise be permitted.

Current:

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

Proposed:

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

**§3.6.1 Residential districts (page 3-47):** Proposed amendment would insert a reference to footnote [2] next to the dimension for required side (interior) yard in the RM and RH districts and revise those dimensions to “12-10.” Adding the reference would pair these dimensions with the same reference included elsewhere in the table for height. The dimensions for height and side (interior) yard vary depending on the distance from the side (interior) lot line.

Current:

RESIDENTIAL DISTRICTS DIMENSIONAL STANDARDS	RL	RM	RH	RT-6	RT	RMF
<b>REQUIRED YARDS, MINIMUM (FT.) [1]</b>						
Front	40	25	20	10	10	25
Side (street)	30	20	15	20	20	25
Side (interior)	15	10	10	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.

Proposed:

RESIDENTIAL DISTRICTS DIMENSIONAL STANDARDS	RL	RM	RH	RT-6	RT	RMF
<b>REQUIRED YARDS, MINIMUM (FT.) [1]</b>						
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.

**§3.6.2 Nonresidential districts (page 3-48):** Proposed amendment would: add a reference to footnote [1] next to the minimum required front and side (street) yard in the CL and CO districts (those references are inadvertently missing), increase the maximum required front and side (street) yard in the CR district from 88 feet to 93 feet (the minimum required yard was increased by 5 feet prior to the original adoption of the ordinance, but the maximum was not increased in unison), and delete a reference to footnote [1] next to the minimum and maximum required front and side (street) yard in the CU district (as it is not applicable).

Current:

NONRESIDENTIAL DISTRICTS DIMENSIONAL STANDARDS	CL	CO	CR	CU	CG	IL	IH
---	----	----	----	----	----	----	----

REQUIRED YARDS (FT.)							
Front and side (street)							
Maximum	--	--	88[1]	15[1]	--	--	--
Minimum	20	20	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.

Proposed:

NONRESIDENTIAL DISTRICTS DIMENSIONAL STANDARDS	CL	CO	CR	CU	CG	IL	IH
REQUIRED YARDS (FT.)							
Front and side (street)							
Maximum	--	--	93 88[1]	15[1]	--	--	--
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.

**§3.7.2.B.5 Off-street parking (page 3-50):** Proposed amendment would clarify that the minimum number of parking spaces is being modified, not the ratio from which the parking minimum is derived.

Current:

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

Proposed:

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

**§3.7.2.B.8 Signs (page 3-51):** Proposed amendments would exempt temporary signs (§4.6.12), such as construction signs, real estate signs, special event signs, etc., and signs allowed without a permit, with the exception of product dispensers, point-of-purchase displays, and governmental signs, from requiring a Certificate of Appropriateness in the Old Town Fairfax Historic Overlay District.

Current:

(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; provided, however, changes to text only shall not be subject to such review. Changes to the font color and size are subject to board review.

Proposed:

(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.~~

**§3.7.2.B.8 Signs (page 3-51 – 3-52):** Proposed amendment would delete the term “coverage” and replace it with “sign area.” The term “coverage” is used in the ordinance to describe the amount of building or other impervious coverage on a lot, not sign area.

Current:

- (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 coverage.

Proposed:

- (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.

**§3.7.2.B.8.G Allowed sign types and regulations (page 3-52):** Proposed amendment would add “Awning” to the Canopy sign type to be consistent with the terminology used elsewhere in the chapter.

Current:

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

Proposed:

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

**§3.7.3.A Applicability (page 3-55):** Proposed amendment would add single-family attached, duplex, and townhouse dwellings after initial construction to those not requiring the issuance of a certificate of approval. Other standards within the district would still apply.

Current:

- 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 after such residences have been initially erected.

Proposed:

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.

**§3.7.3.E Off-street parking (page 3-56):** Proposed amendment would clarify that the minimum number of parking spaces is being modified, not the ratio from which the parking minimum is derived.

Current:

The 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.

Proposed:

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.

**§3.7.3.F Signs (page 3-57):** Proposed amendment would exempt temporary signs (§4.6.12), such as construction signs, real estate signs, special event signs, etc., sandwich board signs, and signs allowed without a permit, with the exception of product dispensers, point-of-purchase displays, and governmental signs, from requiring a Certificate of Appropriateness in the Old Town Fairfax Transition Overlay District.

Current:

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; provided, however, changes to text only shall not be subject to such review. Changes to the font color and size are subject to board review.

Proposed:

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.

**§3.7.4.C Exceptions (page 3-57):** Proposed amendment would add demolition and single-family attached to the list of exceptions for which the architectural control overlay district applies and move signs from the introductory sentence to the list.

Current:

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

1. Single-family detached;
2. Duplex dwellings, after initial approval and construction; and

3. Townhouses, after initial approval and construction.

Proposed:

~~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.~~

#### Article 4. Site Development Standards

**§4.2.3.D.1 Exceptions (page 4-2):** Proposed amendment would clarify that the minimum number of parking spaces is being modified, not the ratio from which the parking minimum is derived.

Current:

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

Proposed:

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

**§4.2.3.E Parking ratio requirements (page 4-3 and 4-4):** Proposed amendment would delete the parking requirement for open storage area for vehicle storage and towing. Parking requirement for floor area for vehicle storage and towing would be retained.

Current:

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

Proposed:

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

**§4.2.4.B Residential uses (page 4-5):** Proposed amendment would limit parking spaces within the required setback. The amendment provides consistency with the requirement that driveways extend across rather than along required setbacks (§1.5.12.E).

Current:

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.



Proposed:

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.

**§4.2.4.C Nonresidential uses (page 4-5):** Proposed amendment would clarify that parking is not permitted within any required yard in order to make the language consistent with restrictions on encroachments into required yards elsewhere in the ordinance.

Current:

Outdoor (surface) parking lots shall not be within any required front or side (street) yard area.

Proposed:

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

**§4.2.6.B.3 Dimensions and access (page 4-7 – 4-8):** Proposed amendment reverts dimensions for parking spaces to those from the previous ordinance in order to prevent nonconformities and facilitate modifications to existing parking areas.

Current:

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	21.1 feet	13 feet	22 feet	12.7 feet
45	10 feet	21.1 feet	13 feet	22 feet	14.1 feet
60	9 feet	22.3 feet	15 feet	--	10.4 feet
60	10 feet	22.3 feet	14 feet	--	11.6 feet
90	10 feet	19 feet	--	22 feet	10 feet
Parallel	8 feet	8 feet (width)	13 feet	22 feet	22 feet

Proposed:

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> 21.1 feet	<u>12</u> 13 feet	<u>18</u> 22 feet	12.7 feet
<del>45</del>	<del>10 feet</del>	<del>21.1 feet</del>	<del>13 feet</del>	<del>22 feet</del>	<del>14.1 feet</del>
60	9 feet	<u>20</u> 22.3 feet	<u>16</u> 15 feet	<u>20</u> feet	10.4 feet
<del>60</del>	<del>10 feet</del>	<del>22.3 feet</del>	<del>14 feet</del>	- -	<del>11.6 feet</del>
<u>90</u>	<u>9 feet</u>	<u>18 feet</u>	<u>23 feet</u>	<u>23 feet</u>	<u>9 feet</u>
90	10 feet	19 feet	<u>22 feet</u>	22 feet	10 feet
Parallel	8 feet	8 feet (width)	13 feet	22 feet	22 feet

**§4.2.6.C Paved or pervious parking (page 4-8):** Proposed amendments would clarify that gravel may be used for vehicle parking or vehicle storage areas associated with single-family dwellings or for vehicle storage and towing in industrial districts.

Current:

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 storage yards for parking lots serving single-family dwellings.

Proposed:

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.

**§4.2.10 Alternative compliance (page 4-10):** Proposed amendment would insert a missing word.

Current:

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

Proposed:

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.

**§4.4.1. Applicability (page 4-11):** Proposed amendment would ensure consistency of this section with amended provisions elsewhere in the ordinance. The provisions for dedication of right-of-way and

installation of sidewalks would not apply to redevelopment, renovation or repair requiring only a plan of development or minor site plan (which are required for smaller development activities on a site), as opposed to a major site plan (which is required for larger scale development activities on a site).

Current:

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.

Proposed:

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.

**§4.4.4 Sidewalks (page 4-12):** Proposed amendment would add public easement to make this section consistent with the previous. §4.4.3 states that sidewalks are to be located within the right-of-way or a public easement.

Current:

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

Proposed:

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

**§4.5.3 Exemptions (page 4-14):** Proposed amendment would specify that the landscaping regulations do not apply to the expansion of individual single-family detached, single-family attached or duplexes dwellings. The initial construction of these types of dwellings would require conformance with the requirements (for tree canopy and tree removal, for example).

Current:

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 duplexes dwellings.

Proposed:

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.

**§4.5.6.A Tree canopy (page 4-19):** Proposed amendment would specify that the minimum tree canopy requirements are at a maturity of ten years. This clarification maintains conformance with the Code of Virginia.

Current:

The following tree canopy requirements shall apply in the respective districts:

Proposed:

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

**§4.5.6.B Street trees (page 4-20):** Proposed amendment would exempt the RL, RM, and RH districts from the street tree requirements in the ordinance. The tree canopy requirements of §4.5.6.A would still apply to the districts.

Current:

In all general districts except the CU district, 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.

Proposed:

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.

**§4.5.8.D Outdoor storage of materials, supplies, vehicles and equipment (page 4-23):** Proposed amendment would revise the provisions related to outdoor storage to: clarify nonresidential and residential storage, provide for a percentage of the side and rear yards to be used for storage as opposed to a fixed square footage, identify surfaced areas versus unsurfaced areas, and clarify outdoor items that do not require screening.

Current:

1. All stored materials, supplies, merchandise, vehicles, boats, trailers, recreational vehicles, equipment, or other similar materials not on display for direct sale, rental or lease to the ultimate consumer or user must be screened by a fence, 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 shall be located on the rear half of the lot, screened from the view from the first story of any neighboring dwelling, and the total area for such outdoor storage shall not occupy more than 100 square feet, 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.

Proposed:

1. On nonresidential lots, Aall stored materials, supplies, merchandise, vehicles, commercial vehicles, boats (or similar), trailers, recreational vehicles, jet skis, 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 fencing, 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, excluding including any vehicles, trailers, commercial vehicles, boats (or similar), recreational vehicles, jet skis, 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 feet 25 percent of the side or and rear yards combined, as applicable, 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. 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.

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 vehicles, trailers, and commercial vehicles stored for occasional use, and boats, recreational vehicles, jet skis, or similar vehicles stored for off-site use, shall be located in the side or rear yard and screened from the street and adjacent properties to the extent possible by landscaping or solid fencing or wall. Such storage may be located on unsurfaced areas.

**§4.5.8.F Recreational vehicles and commercial vehicles (page 4-23):** Proposed amendment would delete provision. The provision as amended would be included in §4.5.8.D.

Current:

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.

Proposed:

~~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.~~

**§4.5.9.D.1 Tree management plan (page 4-25):** Proposed amendment would include an assessment in a tree management plan of the condition of trees that are at least five inches in diameter in addition to the location and size for all trees proposed to be preserved or removed. Clerical error also corrected.

Current:

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

Proposed:

- (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 removed;

**§4.5.9.D.2 Tree protection during construction (page 4-25):** Proposed amendment would remove exception for trees preserved on an RL, RM, or RH lot during construction from having protection. These trees are typically protected. Clerical error reference to Subdivision Ordinance also removed.

Current:

- (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)

Proposed:

(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)~~

**§4.6.4.B.4 Portable signs (page 4-29):** Proposed amendment would revise reference excluding Temporary Signs from prohibition on portable signs to excluding sandwich board signs in the Special Signs section. Sandwich board signs are proposed to be moved from the Temporary Signs section to the Special Signs section.

Current:

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 signs as permitted by §4.6.12.

Proposed:

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~~.

**§4.6.5.C Illumination (page 4-32):** Proposed amendment would revise the sign illumination standard to allow external white light for monument signs that are permitted in residential districts and for those within 100 feet that are visible from a residential district. Monument signs in residential districts are permitted for neighborhood names and institutional uses (religious institutions, schools, etc.). Illumination restrictions on signs within 200 feet of a residential district would be amended from those over six feet in height to those over ten feet in height (to allow for monument signs).

Current:

1. 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.

Proposed:

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, except that permitted monument signs in residential districts may be illuminated by external white light. 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.

**§4.6.5.D Design, construction and maintenance (page 4-33):** Proposed amendment would delete the reference to off-premise signs. No off-premise signs are permitted in the ordinance.

Current:

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.

Proposed:

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.

**§4.6.8.C General use districts (page 4-34):** Proposed amendment would correct a clerical error in which certain temporary signs are designated as not requiring the issuance of a permit (“A”). These temporary signs have a duration requirement associated with them that requires the issuance of a permit (“P”). Proposed amendment would also move sandwich board signs from Temporary Signs into Special Signs. Sections would be renumbered as needed in Temporary Signs and Special Signs.

Current:

SIGN TYPES	RESIDENTIAL DISTRICTS						NONRESIDENTIAL DISTRICTS						STANDARDS	
	RL	RM	RH	RT-6	RT	RMF	CL	CO	CR	CU	CG	IL		IH
<b>TEMPORARY SIGNS</b>														
Announcement or							P	P	P	P	P	P	P	§4.6.12.B
Construction	A	A	A	A	A	A	A	A	A	A	A	A	A	§4.6.12.D
Political and noncommercial	A	A	A	A	A	A	A	A	A	A	A	A	A	§4.6.12.E
Real estate	A	A	A	A	A	A	A	A	A	A	A	A	A	§4.6.12.F
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.H
Special event	A	A	A	A	A	A	A	A	A	A	A	A	A	§4.6.12.I

Proposed:

SIGN TYPES	RESIDENTIAL DISTRICTS						NONRESIDENTIAL DISTRICTS						STANDARDS	
	RL	RM	RH	RT-6	RT	RMF	CL	CO	CR	CU	CG	IL		IH
<b>SPECIAL SIGNS</b>														

Sandwich board | | | | | | | | P | P | P | P | P | P | P | §4.6.11.J

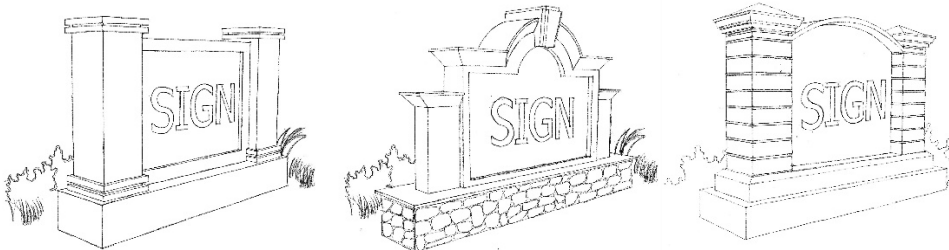
TEMPORARY SIGNS															
Announcement or promotional								P	P	P	P	P	P	P	§4.6.12.B
Construction	AP	AP	AP	AP	AP	AP	AP	AP	AP	AP	AP	AP	AP	AP	§4.6.12.DC
Political and noncommercial	AP	AP	AP	AP	AP	AP	AP	AP	AP	AP	AP	AP	AP	AP	§4.6.12.ED
Real estate	AP	AP	AP	AP	AP	AP	AP	AP	AP	AP	AP	AP	AP	AP	§4.6.12.FE
<del>Sandwich board</del>								A	A	A	A	A	A	A	<del>§4.6.12.G</del>
Seasonal product sales									P	P	P	P	P	P	§4.6.12.HF
Special event	AP	AP	AP	AP	AP	AP	AP	AP	AP	AP	AP	AP	AP	AP	§4.6.12.HG

**§4.6.9 Monument signs (page 4-35):** Proposed amendment would replace current image of an example monument sign and replace it with other images. It can be difficult to differentiate the bottom of the sign face in the current image.

Current:



Proposed:



**§4.6.9.E Location (page 4-35):** Proposed amendment would revise “lot” to “site.” Monument signs would be permitted on lots developed as a unified site.

Current:

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

Proposed:

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.

**§4.6.11.A.2 Location (page 4-38):** Proposed amendment would permit an otherwise permitted monument sign at a day care center, religious institution, school or social service delivery to have changeable copy.



Current:

Changeable copy signs may be included as a part of an otherwise permitted monument sign in any nonresidential district, provided the sign otherwise complies with all requirements for monument signs. (See also §4.6.9)

Proposed:

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)

**§4.6.11.A.4 Illumination (page 4-38):** Proposed amendment would delete the specific illumination provision for changeable copy signs that required internal illumination. General illumination standard in ordinance (§4.6.5.C) would allow internal or external illumination.

Current:

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

Proposed:

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

**§4.6.11.C Directional signs (page 4-38 and 4-39):** Proposed amendment would clarify the description of directional signs and revise the number/amount of signage permitted to allow for greater flexibility in response to the unique aspects of a site. The amendment would provide for a certain number of signs based upon street frontage and standardize the amount of signage permitted elsewhere on the site, regardless of the number of buildings. The amendment would also permit directional signage within the required setback with the same encroachment provision provided to other signs that are permitted within the required setback.

Current:

1. Description

On-premises building-mounted or ground-mounted, monument signs without commercial information or logos designed used to provide directions.

2. Number

Up to one directional sign shall be permitted per building.

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 signs.

Proposed:

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.

**§4.6.12.B.4 Location (page 4-42):** Proposed amendment would specify that temporary announcement or promotional signs shall be located where permanent building-mounted signs may be located or on the subject land where no building exists. The proposed amendment would provide for the same location requirement as proposed for special event signs.

Current:

Such signs shall be located at least 10 feet from all property lines.

Proposed:

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.

**§4.6.12.D, §4.6.12.E, §4.6.12.F, §4.6.12.H, and §4.6.12.I (pages 4-43, 4-44, and 4-45):** Proposed amendment would renumber the sections to §4.6.12.C, §4.6.12.D, §4.6.12.E, §4.6.12.F, and §4.6.12.G, respectively, to correct a clerical error.

**§4.6.12.D Construction signs (page 4-43):** Proposed amendment would clarify the size limitations for temporary signage in residential and nonresidential zoning districts for those temporary signs that have different size requirements for residential and nonresidential districts (construction, political and noncommercial, and real estate).

Current:

2. Area

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

Proposal:

2. Area

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

**§4.6.12.E Political and noncommercial message signs (page 4-43):** Proposed amendment would clarify the size limitations for temporary signage in residential and nonresidential zoning districts for those temporary signs that have different size requirements for residential and nonresidential districts (construction, political and noncommercial, and real estate).

Current:

2. Area

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

Proposal:

2. Area

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

**§4.6.12.F Real estate signs (page 4-44):** Proposed amendment would clarify the size limitations for temporary signage in residential and nonresidential zoning districts for those temporary signs that have different size requirements for residential and nonresidential districts (construction, political and noncommercial, and real estate).

Current:

2. Area

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

Proposal:

2. Area

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

**§4.6.12.G Sandwich board signs (page 4-44):** Proposed amendment would move entire section on sandwich board signs from Temporary Signs into Special Signs. Sections would be renumbered as needed in Temporary Signs and Special Signs. Amendment would also revise location provision for sandwich board sign to more clearly specify that the signs are intended to be placed near front of business using language consistent with that of outdoor display (§4.10.2.B).

Current:

~~§4.6.12.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.~~

Proposed:

§4.6.11.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.

**§4.6.12.1.3 Location (page 4-45):** Proposed amendment would specify that special event signs shall be located where permanent building-mounted signs may be located or on the subject land where no building exists. The proposed amendment would provide for the same location requirement as proposed for temporary announcement or promotional signs.

Current:

Such signs shall be located where permanent building-mounted signs may be located.

Proposed:

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.

**§4.9.2 Applicability (page 4-52):** Proposed amendment would delete “renovation” from the applicability statement requiring a special use permit for large format retail buildings.

Current:

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.

Proposed:

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.

**§4.10.3.B Limited outdoor storage (page 4-52 and 4-53):** Proposed amendment would delete provisions related to vehicles for sale or rent from the limited outdoor storage section. Provisions regarding vehicles for sale or rent are included in §3.5.3.1.5 and the general parking provisions of §4.2. Provisions for vehicle storage and towing are in §3.5.4.E.

Current:

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)

Proposed:

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)~~

**§4.11 Underground Utilities (page 4-53):** Proposed amendment would add an applicability statement to the provisions for underground utilities similar to applicability statements for other site development standards.

Current:

- A. 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.
- B. 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.
- C. Special exceptions to the above requirement shall only be granted by the city council pursuant to the procedures and limitations of §6.17.

Proposed:

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.

**§4.14.4.D Exemptions (page 4-56):** Proposed amendment would correct a clerical error and specify that noises arising from lawn mowing and grounds maintenance activities are exempt from the noise regulations when used between the hours of 8:00am and 8:00pm.

Current:

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 between the hours of 8:00am and 8:00pm

Proposed:

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

**§4.15.6.A Description of special flood hazard districts (page 4-63):** Proposed amendment would correct clerical error.

Current:

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)]:

Proposed:

1. The floodway district is in an AE Zone and is delineated, for purposes of ~~T~~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)]:

## Article 5. Decision-Making Bodies and Officials

**§5.5.2 Powers and duties (page 5-4 and 5-5):** Proposed amendment would reconcile the text in this section with the Review Authority table (§6.1). The Director of Community Development & Planning is responsible for: making recommendations on Major Certificates of Appropriateness and approval of Minor Certificates of Appropriateness.

Current:

### 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 (§6.5);
4. Planned development reviews (§6.6); and
5. Special use reviews (§6.7).

Proposed:

### 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);

**§5.6.2. Powers and duties (page 5-5):** Proposed amendment would reconcile the text in this section with the Review Authority table (§6.1). The Director of Community Development & Planning is responsible for making recommendations on Major Certificates of Appropriateness (as noted in previous proposed amendment) instead of the Zoning Administrator.

Current:

#### B. Recommendations

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

1. Certificates of appropriateness, major (§6.5);
2. Special exceptions (§6.17); and
3. Variances (§6.18).

Proposed:

#### 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).

### Article 6. Development Review

**§6.2.3.D Fees (page 6-3):** Proposed amendment would exempt certain organizations from the payment of fees for temporary use permits. The City Charter (Section 13.12) provides that the City Council may, by ordinance, exempt from the payment of permit fees those organizations that are exempt from taxation pursuant to sections 501(c)(8) and (19) of the Internal Revenue Code. These tax codes refer to: 1) Fraternal Beneficiary Societies and Associations and 2) Post or Organization of Past or Present Members of the Armed Forces. A similar provision currently exists in the City Code (Section 10-35(d)) that exempts building permit fees for temporary structures erected by or for these organizations.

Current:

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. 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.

Proposed:

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.

**§6.2.5.B.2.C All other (page 6-7):** Proposed amendment would provide that required notices for administrative actions (such as an administrative adjustment) could be mailed by first-class mail. Amendment would also provide for mailing five days prior, consistent with the requirement for a rezoning.

Current:

- (1) Where mailed notice is required for applications other than text or map amendments, notice of public hearing 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 days prior to the date of the public hearing.

Proposed:

- (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.

**§6.3.3 Application requirements (page 6-10):** Proposed amendment would delete the reference to application requirements (and the application process) entirely. Zoning text amendments would continue to be processed in accordance with the ordinance and the Code of Virginia at the initiation of the Planning Commission or City Council, not through an application process.



Current:

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

Proposed:

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

**§6.5.1 Applicability (page 6-16):** Proposed amendment would specify that a certificate of appropriateness is required for demolition and relocation in the historic overlay district (not the transition overlay district or the architectural control overlay district).

Current:

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; and

Proposed:

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

**§6.5.1 Applicability (page 6-16):** Proposed amendment would clarify that the requirements for a Certificate of Appropriateness do not conflict with provisions in the Virginia Uniform Statewide Building Code pertaining to unsafe structures.

Current:

B. Nothing in §6.5 shall be construed to be in conflict with any provision of this chapter that permits the razing of unsafe structures.

Proposed:

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.

**§6.5.3.A.1 Applicability (page 6-17):** Proposed amendment would provide direct reference to the sign provisions for the Old Town Fairfax Historic Overlay District and Old Town Fairfax Transition Overlay District, which are the districts that require a Certificate of Appropriateness for signs. The amendment would also delete

the reference to the section on signs allowed without a permit, as that is specified in the sign provisions for the two districts.

Current:

(e) Signs, except as allowed pursuant to §4.6.3;

Proposed:

(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;~~

**§6.5.6 Action by decision-making body (page 6-18):** Proposed amendment would correct a clerical error whereby the title of the subsection as written does not agree with the text.

Current:

A. General (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.

Proposed:

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.

**§6.5.6.B Other reviews (page 6-18):** Proposed amendment would clarify the referral of special exceptions by the City Council to the Board of Architectural Review for those applications for which the City Council is issuing the Certificate of Appropriateness. City Council action on Certificates of Appropriateness for special exceptions is already stated in item two (2) of the section.

Current:

1. Prior to taking action on special use reviews, planned development reviews, 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.

Proposed:

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.

**§6.8.2 Exemptions (page 6-27):** Proposed amendment would: clarify that structures and other impervious surfaces increased by up to 10 percent or 2,500 square feet are exempt from site plan review provided the expansion does not increase lot coverage, acknowledge that a zoning permit may be required for items exempt from site plan review, and include items currently requiring a plan of development to be exempt from site plan review.

Current:

The following shall be specifically exempt from the site plan review requirements of §6.8.

- A. Single-family detached dwellings and related accessory structures in the RL, RM and RH districts;
- B. Expansion of existing conforming structures by up to 10 percent or 2,500 feet, whichever is less, in floor area, number of units or building coverage area;
- C. 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.

Proposed:

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.

**§6.8.3.A Minor site plans (page 6-27 – 6-28):** Proposed amendment would move modification of screening or landscaping from minor site plan review to plan of development review and delete the existing items under plan of development that would be moved to exempt (in accordance with text amendment above).

Current:

The following shall be reviewed as minor site plans:

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
4. Plans of development described as follows:
  - (a) Restriping or reconfiguring of an existing parking lot, including loading areas;
  - (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 (e), above.

Proposed:

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 (e), above, as determined by the zoning administrator.~~

**§6.8.10 Dedication and improvements (page 6-29):** Proposed amendment would revise right-of-way dedication from “site plan” to “major site plan” and include alternative for public easement (consistent with other sections of the ordinance). Major site plans are required for significant developments and redevelopments. The term

site plan would include minor site plans and plans of development, which are required for smaller development activities on a site.

Current:

A. In the development of any property for which a site plan is required in §6.8, the applicant shall be required to dedicate 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, and the public facilities manual.

Proposed:

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.

**§6.9.1 Applicability (page 6-31):** Proposed amendment would clarify that temporary signs that require a permit cannot be installed until the Zoning Administrator has issued a permit.

Current:

B. No ground-mounted, building-mounted or special 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.

Proposed:

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.

**§6.10.1.B Applicability (page 6-32):** Proposed amendment would reconcile the Zoning Ordinance with the provisions in City Code, Chapter 38, Article III.

Current:

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 if the tree has been determined a public health and safety menace by the zoning administrator.

Proposed:

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~~.

**§6.11.3 Action by director of public works (page 6-33):** Proposed amendment would correct the ordinance section referenced for approval criteria.

Current:

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

Proposed:

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

**§6.12.4 Action by director of public works (page 6-36):** Proposed amendment would correct the ordinance section referenced for approval criteria.

Current:

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

Proposed:

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.

**§6.13.3 Action by director of public works (page 6-39):** Proposed amendment would correct the ordinance section referenced for approval criteria.

Current:

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

Proposed:

The director of public works will review Chesapeake Bay review applications in accordance with the approval criteria of §6.13.35.

**§6.17.5 Action by zoning administrator (page 6-46):** Proposed amendment would clarify that special exception applications that require a certificate of appropriateness will be submitted to the board of architectural review for recommendation prior to action by the City Council or Board of Zoning Appeals.

Current:

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

Proposed:

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.

**§6.17.7.A Approval criteria (page 6-47):** Proposed amendment would correct a clerical error.

Current:

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;

Proposed:

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;

**§6.21.10 Appeals to court (page 6-56):** Proposed amendment would correct an incorrect section reference.

Current:

Final decisions of the board of zoning appeals may be appealed within 30 days of the decision in accordance with §6.22.3.

Proposed:

Final decisions of the board of zoning appeals may be appealed within 30 days of the decision in accordance with ~~§6.22.3~~23.

**§6.22.10 Appeals to court (page 6-57):** Proposed amendment would correct an incorrect section reference.

Current:

Final decisions of the city council on certificates of appropriateness may be appealed within 30 days of the decision in accordance with §6.22.3

Proposed:

Final decisions of the city council on certificates of appropriateness may be appealed within 30 days of the decision in accordance with ~~§6.22.3~~23.

## Article 8. Enforcement and Penalties

**§8.4.4 Notice of right to appeal (page 8-4 – 8-5):** Proposed amendment would specify that notice shall be given in accordance with applicable law. The General Assembly approved an amendment (SB 1559) to the Code of Virginia during the 2017 session pertaining to this provision.

Current:

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.

Proposed:

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.

## Article 9. Definitions

**§9.3.1 General terms (page 9-4):** Proposed amendment would be revised to match the definition in the Virginia Uniform Statewide Building Code. Amendment would also move the definition into alphabetical order in the section.

Current:

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.

Proposed:

~~AVERAGE FINISHED GRADE PLANE: The~~ A reference plane level representing the average of finished ground level adjoining a 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. 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.

**§9.3.1 General terms (page 9-4):** Proposed amendment would be revised to match the definition in the Virginia Uniform Statewide Building Code and reference alternate definition in Floodplain Regulations.

Current:

BASEMENT: Any area of the building having its floor sub-grade (below ground level) on all sides.

Proposed:

~~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).

**§9.3.1 General terms (page 9-5):** Proposed amendment would move the definition into alphabetical order in the section. No change is proposed to the text itself.

Current:

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

Proposed:

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

**§9.3.1 General terms (page 9-9):** Proposed amendment would move the definition into alphabetical order in the section and correct a clerical error.

Current:



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.

Proposed:

~~INFORMATIONAL OR DIRECTIONAL 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," "~~bad~~ beware of dog," "full-service," "self-service," and similar directives.

**§9.3.1 General terms (page 9-10):** Proposed amendment would clarify what constitutes the rear lot line in order to reduce ambiguity on irregularly-shaped lots.

Current:

LOT LINE, REAR: See also §1.5.12.D.

Proposed:

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.

**§9.3.1 General terms (page 9-11):** Proposed amendment would remove the word "Historic" from the Transition Overlay District to make it consistent with the rest of the ordinance.

Current:

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)

Proposed:

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)

**§9.3.1 General terms (page 9-12):** Proposed amendment would delete all references to building square footage in the definition of outparcel and revise the definition to match the term's usage elsewhere in the ordinance.

Current:

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.

Proposed:

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.

**§9.3.1 General terms (page 9-12):** Proposed amendment replaces "lot" with "site."

Current:

PREMISES: The term "premises" is interchangeable with the term "lot."

Proposed:

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

**§9.3.1 General terms (page 9-13):** Proposed amendment would make the definition and the applicability statement (§4.9.2) for large format retail consistent.

Current:

RETAIL, LARGE FORMAT: A building that either occupies 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.

Proposed:

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.

**§9.3.1 General terms (page 9-14):** Proposed amendment would include the parapet in the definition of roof line.

Current:

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

Proposed:

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.

**§9.3.1 General terms (page 9-14):** Proposed amendment would add “learning center” to the definition of school, technical, trade or business.

Current:

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

Proposed:

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.

**§9.3.1 General terms (page 9-16):** Proposed amendment would add “at one time” to the definition of tutoring for clarification purposes.

Current:

TUTORING: Personal instruction of up to three students.

Proposed:

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

**§9.3.1 General terms (page 9-16):** Proposed amendment would delete “Personal” from the definition of learning center and specify “students at one time” for clarification purposes. Amendment would also move the definition into alphabetical order in the section.

Current:

LEARNING CENTER: Personal instruction of more than three.

Proposed:

LEARNING CENTER: ~~Personal~~ instruction of more than three students at one time.

**§9.3.1 General terms (page 9-16):** Proposed amendment would replace “retail” with “nonresidential uses” and delete office from the upper story use. Commercial uses other than retail could occupy the first floor of such a building. A building with commercial uses on the ground floor and office on the upper stories would not be included in this use type (which generally requires a special use permit) as such as building would just be an office building with other commercial uses on the ground floor.

Current:

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

Proposed:

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

**§9.3.1 General terms (page 9-16):** Proposed amendment would delete “vehicle parts store” and its definition. Vehicle parts would be included as a use the Retail, general use group.

Current:

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

Proposed:

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

**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.**

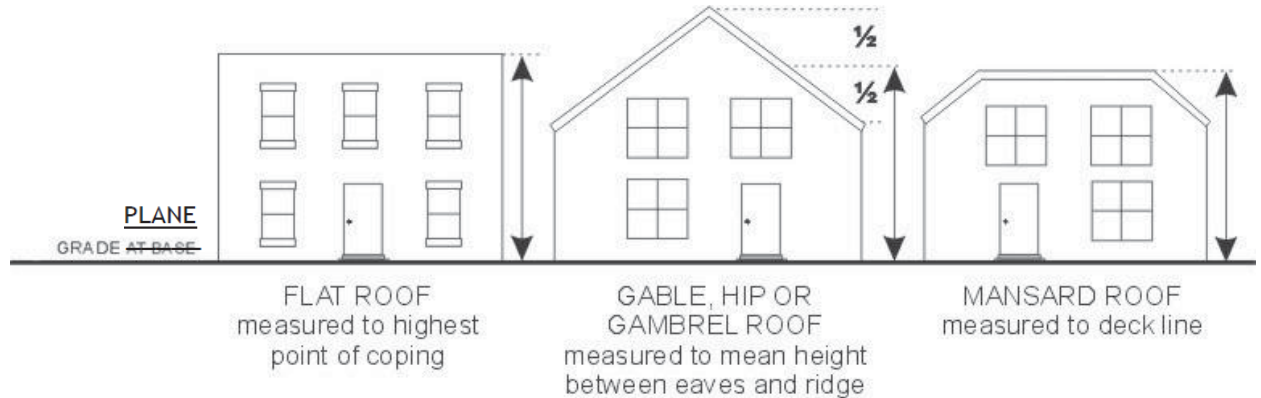
**BE IT ORDAINED, by the City Council of the City of Fairfax, Virginia, that Chapter 110, Article 1, §1.5.11, of the Code of the City of Fairfax, Virginia, is hereby amended as follows:**

**§1.5.11. Height**

**A. Buildings and structures**

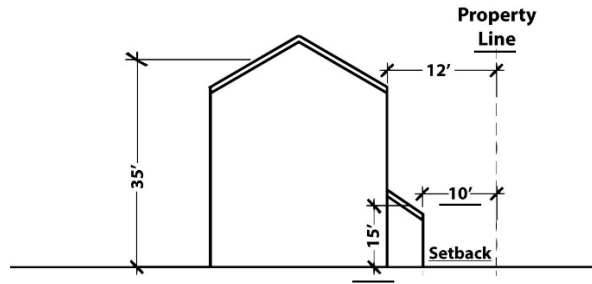
**1. Measurement**

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 (VSBC).



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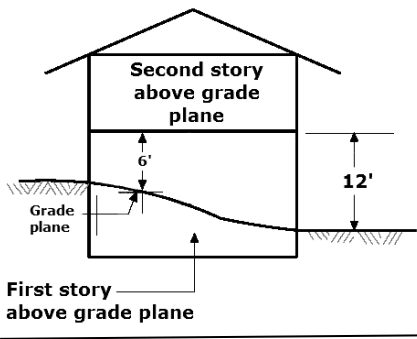
(e) Chimneys attached to ~~single family, detached~~ residential dwellings may extend above the maximum height specified in the respective district ~~by up to three feet only~~ to the extent required to meet the Virginia Uniform Statewide Building Code.

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B. Stories

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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.



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

4 §1.5.12. Required yards (setbacks)

5 A. General

6 ....  
 7

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

11 ....  
 12

13 D. Rear yards

14 ....  
 15

16 3. Exceptions

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 18

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

23 (bc) When an existing nonconforming structure encroaches into the otherwise  
 24 required rear yard, additions to that nonconforming structure may also encroach,  
 25 but no further and no higher than the nonconforming structure.  
 26

27 ....  
 28

29 E. Permitted encroachments

PERMITTED REQUIRED YARD ENCROACHMENTS				
OBSTRUCTION/PROJECTION INTO REQUIRED YARD (SETBACKS)	FRONT	SIDE (STREET)	SIDE (INTERIOR)	REAR
.... 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	■	■	■	■
Carports may not project more than 3 feet into any required side (interior) or rear yard			■	■

30 ....  
 31  
 32

1	Driveways for RL, RM and RH district uses may be located within side (interior) yard provided a minimum setback of 5 feet is maintained <u>to the extent practicable</u>				■	
2	....					
3	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				■	■
4	....					
5	Sidewalks and steps used to ascend and descend a porch, stoop, entryway, balcony or deck <u>provided that to the extent practicable, they extend <del>across</del> along rather than <del>along</del> across the required side (interior) yard</u>				■	■
6	....					
7	Wheelchair ramps accessory to residential uses other than multifamily to facilitate wheelchair access for the disabled, <u>ADA facilities constructed for access to existing buildings</u> may extend a distance as needed into any required yard				■	■
8						

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 streetright-of-way as follows:

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

1 ....

2 B. Principal uses

3 The following table lists the principal uses permitted by this chapter for general use  
4 districts. For overlay districts, see §3.7; for planned development districts, see §3.8; and  
5 for accessory uses, see §3.5.5; ~~and~~ for temporary uses, see §3.5.6; and for large format  
6 retail, see §4.9.  
7

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)														
8 9 10 11 12 Schools, technical, trade, business							P	P	P	P	P	P	P	§3.5.3.G
....														
Vehicle parts stores											P	P	P	

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

16 §3.4.1. Use interpretation

17 ....

18 C. Developments with multiple principal uses

19  
20 ....

21  
22 ~~5. Where a use requiring approval as a special use lies on a separate legal parcel, only the~~  
23 ~~building containing the use and its separate parcel shall be subject to review, not the~~  
24 ~~entire project. However, where the separate legal parcel is an “outparcel” (a separate~~  
25 ~~legal parcel on the same site) the application shall describe the relationship of such~~  
26 ~~outparcel to the remaining site.~~  
27

28 ....

29 F. Commercial use groups

30 1. Animal care facilities

31 A place where animals are cared for. Animal care facilities shall include the  
32 following: kennel, veterinary clinic, animal hospital, ~~animal grooming facility~~ or any  
33 similar use.  
34

35 2. Offices, general

36 An office generally focusing on business, government, professional or financial  
37 services. General office uses shall include the following: advertising office; banks;



1 business management; consulting; data processing; financial business such as lender,  
2 investment or brokerage house; collection agency; real estate or insurance agency;  
3 professional service such as lawyer, accountant, bookkeeper, engineer, or architect;  
4 sales office, travel agency or any similar use; and television and radio stations  
5 (without towers) and recording studios. General office does not include hospitals,  
6 medical offices or medical care facilities.

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10 4. Recreation, indoor

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

15  
16 ....

17  
18 7. Retail, general

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

27  
28 8. Services, general

29 A facility involved in providing general or repair services. General services shall  
30 include the following: animal grooming; photocopy; security service; taxidermy; or  
31 any similar use. General services shall also include the following repair services:  
32 bicycles; canvas products; clocks; computers; ~~jewelry~~; musical instruments; office  
33 equipment; radios; ~~shoes~~; televisions; furniture; ~~watches~~ or any similar use. General  
34 services shall also include a ~~taylor, milliner~~, upholsterer or locksmith. General  
35 services does not include any adult use.

36  
37 9. Services, personal

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

46

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

4   §3.5.1. Residential use standards

5           ....

6           C. Townhouses

7           ~~1. The first floor shall be located a minimum of 18 inches above finished grade at the~~  
8           ~~front of the townhouse unit. An elevation change, even as minimal as 18 inches,~~  
9           ~~provides a degree of privacy, so passing cars and pedestrians do not look directly into~~  
10           ~~the windows and the occupants' perspective is from above the street.~~

11           ~~21.~~ 21. The maximum number of units allowed in a single building is ten.

12           ~~32.~~ 32. No more than two of any 10 or one of any three to five abutting dwelling units having  
13           the same front yard setback. Varied front yard setbacks shall not be less than two feet  
14           offset from adjoining units as measured at the principal foundation line of each unit  
15           and no setback distance shall be less than the required minimum.

16           ~~43.~~ 43. Interior (side) yards are not required for interior townhouses, but front and rear yards  
17           shall be provided for all townhouses, and building separation requirements shall be  
18           maintained for all townhouse structures. (See also §3.4.2, Complexes)

19           ~~54.~~ 54. No townhouse shall be constructed so as to provide direct vehicular ingress or egress  
20           to a ~~collector street or an arterial~~ public street.

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22           ....

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24           D. Upper story residential/mixed use

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26           ....

27  
28           3. Floor height

29           (a) Ground floor

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

33           ~~(12)~~ (12) The ground floor shall have at least 12 feet of clear interior height (floor to  
34           ceiling) contiguous to the required building line frontage, if any, for a minimum  
35           depth of at least 25 feet.

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

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

1 §3.5.2. Public, civic and institutional use standards

2 ....

3 B. Day care centers

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5 ....

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7 4. Signs

8 Notwithstanding other provisions to the contrary, day care centers may have a  
9 monument sign of up to 32 square feet in area, six feet high; and a wall sign of up to  
10 24 square feet; both of which may be illuminated by external white light. Day care  
11 centers may also have directional signs as permitted by §4.6.11.C.

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13 ....

14  
15 G. Religious Institutions

16 Notwithstanding other provisions to the contrary, religious institutions may have a  
17 monument sign of up to 32 square feet in area, six feet high; ~~or~~ and a wall sign of up to  
18 24 square feet; both of which may be illuminated by external white light. Religious  
19 institutions may also have directional signs as permitted by §4.6.11.C.

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21 H. Schools, elementary, middle or high

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23 ....

24  
25 4. Signs

26 Notwithstanding other provisions to the contrary, schools may have a monument sign  
27 of up to 32 square feet in area, six feet high; ~~or~~ and a wall sign of up to 3224  
28 square feet; both of which may be illuminated by external white light. Schools may also  
29 have directional signs as permitted by §4.6.11.C.

30  
31 I. Social service delivery

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33 ....

34  
35 4. Signs

36 Notwithstanding other provisions to the contrary, social service delivery may have a  
37 monument sign of up to 32 square feet in area, six feet high; ~~or~~ and a wall sign of up  
38 to 3224 square feet; both of which may be illuminated by external white light. Social  
39 service delivery may also have directional signs as permitted by §4.6.11.C.

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

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§3.5.3. Commercial use standards

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I. Vehicle sales and leasing

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- 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

....

1 C. Accessory use table

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3 ....

4  
5 1. Key to types of use

6 ....

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		I H
Keeping of chickens	P	S	S											§3.5.5.D.14

8 ....

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11 D. Accessory use standards

12  
13 ....

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

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

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

26 9. Catering or delivery services

27 Catering or delivery services shall comply with the following standards:

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

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33 12. Home occupations

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1 (c) Minor home occupations

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

5 (1) No person other than a member of the family residing ~~on the premises~~ within  
6 the dwelling shall be engaged in the home occupation;

7 (2) Student instruction, where allowed, shall be limited as follows:

8 (i) Such instruction shall be limited to a total of eight students per day, with  
9 no more than 40 total per week or six students present at any one time,  
10 between the hours of 8:00am and 9:00pm

11 (ii) Gatherings of students and families for exhibitions and group activities  
12 may take place ~~on the premises~~ within the dwelling no more than four  
13 times per year. Such gatherings shall be consistent with the residential  
14 character of the neighborhood and shall conform to all applicable  
15 regulations regarding noise and parking.

16 (3) No signage shall be permitted.

17 (4) The minor home occupation shall generate no greater volume of traffic than  
18 would normally be expected from a single-family ~~detached~~-residence, subject  
19 to the additional operational standards for home businesses and student  
20 instruction and consistent with the residential character of the neighborhood;

21 (5) The street address of a home occupation business shall not be advertised to the  
22 general public in newspaper, radio, television, worldwide web, or other  
23 advertisements. This provision shall not be construed to prohibit address  
24 listing in telephone directories, on business cards, or in communication with  
25 customers, suppliers or professional colleagues, nor shall it prohibit referrals  
26 to individual consultants from corporate Internet sites by customer inquiry.

27 (d) Major home occupations

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

31 (1) It is carried on by a person residing ~~on the premises~~ within the dwelling and  
32 employs no more than two employees not living ~~on the premises~~ within the  
33 dwelling;

34 (2) No more than two vehicles are used in the conduct of the home occupation,  
35 and such vehicles are parked off the street.

36 (3) No merchandise or commodity is sold ~~on the premises~~ within the dwelling.

37 (4) No mechanical equipment is installed or used except such that is normally  
38 used for domestic or professional purposes.

39 (5) No expansion shall be permitted outside the principal structure that houses the  
40 home occupation, except that which is necessary to house vehicles used in the  
41 conduct of home occupation.

42 (6) Advertising signs shall be limited to one unlighted wall sign no larger than  
43 three square feet in area, attached to the structure housing the home  
44 occupation, or one yard sign of the same size not to exceed three feet in  
45 height.

46 (7) There shall be no display of goods, tools, equipment, or commercial vehicles.

1  
2 ....  
3  
4 14. Keeping of chickens

5 (a) Applicability

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

11 (b) General provisions

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

14 (1) No person shall keep any rooster.

15 (2) The chickens shall be used only for non-commercial household egg  
16 production. Selling eggs and slaughtering chickens shall be prohibited.

17 (3) The chickens shall be provided with a clean, covered, well-ventilated  
18 enclosure that is secure from predators.

19 (4) The chickens must be kept in the covered enclosure or within a fenced or  
20 walled area at all times.

21 (5) No enclosure shall be located closer than 25 feet to an occupied, off-site  
22 residential dwelling.

23 (c) Best practices

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

28 (d) Permit and administration

29 The zoning administrator shall be authorized to establish use specific permit and  
30 administrative procedural requirements as necessary to ensure compliance with  
31 the applicable requirements of this chapter, the city code and Virginia law.  
32

33 ....  
34  
35 17. Outdoor dining and service areas

36 Outdoor dining and service areas may be allowed as an accessory use to otherwise  
37 allowed restaurant or food services, subject to the following requirements:  
38

39 ....  
40  
41 (b) Outdoor dining and service areas, ~~including any canopy or cover associated with~~  
42 ~~the use,~~ shall be permitted within the required setback.

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

1  
2 §3.6.1. Residential districts

3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24 25 26 27 28 29 30	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.

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

11 §3.6.2. Nonresidential districts

13 14 15 16 17 18 19 20 21 22 23 24 25 26 27 28 29 30	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[4]	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.

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

21 §3.7.2. Historic overlay district

22 ....

23 B. Old Town Fairfax Historic Overlay District

24 ....

25 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

1 A. Applicability

2  
3 ....

- 4  
5 2. The provisions of §3.7.3 shall not apply to regular maintenance of a structure,  
6 improvement or site; however, changes to the exterior color of a structure, or  
7 substantial portion thereof, shall be deemed an alteration and not regular  
8 maintenance. Further, ~~the provisions of this district shall not apply to~~ single-family  
9 detached residences shall not be subject to the issuance of a certificate of approval in  
10 accordance with the provisions of §6.5 nor shall single-family attached, duplex, or  
11 townhouse residences after such residences have been initially erected.

12  
13 ....

14  
15 E. Off-street parking

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

19 F. Signs

20 1. General

21 All signs otherwise allowed in the underlying general use district (§4.6.8), ~~including~~  
22 ~~those allowed without a permit (§4.6.3)~~, shall be subject to the ~~review of the board of~~  
23 ~~architectural review~~ approval of a certificate of appropriateness in accordance with the  
24 provisions of §6.5; provided, however, changes to text only, sandwich board signs,  
25 temporary signs or signs allowed without a permit (§4.6.3), excluding §4.6.3.D and  
26 §4.6.3.G, shall not be subject to such ~~review~~ approval. Changes to the font color and  
27 size are subject to ~~board review~~ approval of a certificate of appropriateness.

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

31  
32 §3.7.4. Architectural Control Overlay District

33  
34 ....

35  
36 C. Exceptions

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

39 1. Signs;

40 2. Demolition;

41 3. Single-family detached;

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

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

44 6. Townhouses, after initial approval and construction.

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

4  
5 §4.2.3. Parking requirements

6  
7 ....  
8  
9 D. Exceptions

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

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

16 E. Parking ratio requirements

17 Off-street parking spaces shall be provided for all uses listed below in at least the  
18 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 one space per 300 sq. ft. of floor area

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

27  
28 §4.2.4. Location of parking

29  
30 ....  
31  
32 B. Residential uses

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

40 2. Garage parking may be counted toward required parking.

41 C. Nonresidential uses

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

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

4  
 5 §4.2.6. Parking lot design

6  
 7 ....

8  
 9 B. Dimensions and access

10  
 11 ....

- 12  
 13 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> 21.1 feet	<u>12</u> 13 feet	<u>18</u> 22 feet	12.7 feet
<del>45</del>	<del>40 feet</del>	<del>21.1 feet</del>	<del>13 feet</del>	<del>22 feet</del>	<del>14.1 feet</del>
60	9 feet	<u>20</u> 22.3 feet	<u>16</u> 15 feet	<u>20</u> feet	10.4 feet
<del>60</del>	<del>40 feet</del>	<del>22.3 feet</del>	<del>14 feet</del>	--	<del>11.6 feet</del>
90	9 feet	18 feet	23 feet	23 feet	9 feet
90	10 feet	19 feet	22 feet	22 feet	10 feet
Parallel	8 feet	8 feet (width)	13 feet	22 feet	22 feet

14  
 15 ....

16 C. Paved or pervious surfacing

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

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

25  
 26 §4.2.10. Alternative compliance

27 The parking and loading requirements of §4.2 shall apply, unless an alternative is approved by  
 28 the zoning administrator in accordance with the requirements below:  
 29

1 ....

2

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

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

9

10 §4.4.1. Applicability

11

12 ....

13

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

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

22

23 §4.4.4. Sidewalks

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

25

26 ....

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

30

31 §4.5.3. Exemptions

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

35

36 ....

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

40

41 §4.5.6. Tree requirements

1  
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3  
  
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21

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

ZONING DISTRICTS		TREE CANOPY (PERCENT)
<b>RESIDENTIAL DISTRICTS</b>		
RL	Residential Low	25
RM	Residential Medium	20
RH	Residential High	20
RT-6	Residential townhouse	15
RT	Residential townhouse	15
RMF	Multifamily	10
<b>NONRESIDENTIAL DISTRICTS</b>		
CL	Commercial Limited	10
CO	Commercial Office	10
CR	Commercial Retail	10
CG	Commercial General	10
IL	Industrial Light	10
IH	Heavy Industrial	10
<b>PLANNED DEVELOPMENT DISTRICTS</b>		
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.

1 ....

2  
3 ~~5. Recreational vehicles and commercial vehicles, subject to §4.5.8.F;~~

4 ~~65. Roof-mounted mechanical equipment, subject to §4.5.8.GF; and~~

5 ~~76. Trash receptacles and service areas, subject to §4.5.8.HG.~~

6  
7 ....

8  
9  
10 D. Outdoor storage of materials, supplies, vehicles and equipment

11 1. On nonresidential lots, all stored materials, supplies, merchandise,  
12 vehicles, commercial vehicles, boats (or similar), trailers, recreational vehicles,  
13 equipment, or other similar materials that are not on display for direct sale, rental or  
14 lease to the ultimate consumer or user must be screened by a landscaping or  
15 solid fencing, or wall, dense hedge, or combination of such features with a minimum  
16 height of six feet at the time of installation. (See also §4.10)

17 2. On residential district lots, such storage all stored materials, supplies, equipment, or  
18 other similar materials, including any vehicles, trailers, commercial vehicles, boats  
19 (or similar), recreational vehicles, or similar vehicles kept on an unsurfaced area,  
20 shall be located on the rear half of the lot in the side or rear yard, screened from the  
21 view from the street and the first story of any neighboring dwelling to the extent  
22 possible by landscaping or solid fencing or wall, and the total area for such outdoor  
23 storage shall not occupy more than 400 square feet 25 percent of the side and rear  
24 yards combined, provided that storage of materials and equipment related to a  
25 construction project for which a valid permit is in effect shall be allowed where the  
26 storage is maintained in an orderly condition and does not constitute a hazard.

27 3. On residential lots, one commercial vehicle of a weight less than 9,000 pounds, one  
28 commercial trailer, or one noncommercial vehicle of a weight more than 9,000  
29 pounds but less than 15,000 pounds may be kept in accordance with the provisions of  
30 City Code, Section 98-147(c). Screening shall not be required provided the vehicle or  
31 trailer is kept on a surfaced area.

32 4. On residential lots, a boat(s) (or similar) on a trailers or one and noncommercial  
33 trailers may be kept without screening, provided the trailer is kept on a surfaced area.

34 5. On residential lots, screening shall not be required for firewood, outdoor furniture,  
35 portable grills, or similar items accessory to the residential use or for storage of  
36 materials and equipment related to a construction project for which a valid building  
37 permit is in effect and where the materials and equipment are maintained in an  
38 orderly condition and do not constitute a hazard.

39  
40 .....

41  
42 F. ~~Recreational vehicles and commercial vehicles~~

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

1  
2 **GF.** Roof-mounted mechanical equipment

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

- 12 2. Fire safety access shall be provided.

13 **HG.** Trash receptacles and service areas

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

21 **IH.** Landscape materials and design

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

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

27  
28 §4.5.9. Landscape materials and design

29  
30 ....

31  
32 D. Existing trees and vegetation

33  
34 ....

35  
36 1. Tree management plan

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

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

44  
45 ....



1  
2 2. Tree protection during construction

3 (a) Existing trees, ~~except in the RL, RM, RH zoning districts,~~ specified on the  
4 landscape plan to remain on the site shall be protected from vehicular movement  
5 and material storage over their root spaces during construction. An undisturbed  
6 area with a porous surface shall be reserved around a tree, based on the drip line  
7 or as specified by an arborist or landscape architect.

8 (b) A temporary tree protection fence shall be installed along the drip line. ~~(See also~~  
9 ~~section 86-4 of the City Code)~~

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

13  
14 §4.6.4. Prohibited signs

15  
16 ....

17  
18 B. Prohibited sign types

19 The following sign types are specifically prohibited.

20  
21 ....

22  
23 4. Portable signs

24 Any sign not permanently attached to the ground or other permanent structure or a  
25 sign designed to be transported, including, but not limited to, signs designed to be  
26 transported by means of wheels; and signs attached to or painted on vehicles parked  
27 and visible from the public right-of-way, unless said vehicle is used in the normal  
28 day-to-day operations of the business, except for ~~temporary~~ sandwich board signs as  
29 permitted by §4.6.121.

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

33  
34 §4.6.5. General sign regulations

35  
36 ....

37  
38 C. Illumination

39 Unless otherwise specified in §4.6, signs may be illuminated from within or from an external  
40 source, as follows:

41 1. Monument signs in residential districts or within 100 feet of and visible from a  
42 residential district shall be illuminated by external white light only. All other signs  
43 within 100 feet of a residential district shall not be illuminated. ~~Illuminated signs shall~~  
44 ~~not be located within 100 feet of any residential district. No sign greater than six feet~~

1 in height that is located within 200 feet of any residential district shall be illuminated  
2 between the hours of 10:00pm and 6:00am.

3 2. No sign greater than ten feet in height that is located within 200 feet of and visible  
4 from any residential district shall be internally illuminated between the hours of  
5 10:00pm and 6:00am.

6 23. Sign illumination shall not cause glare onto any building or land, or interfere with  
7 pedestrian, vehicular or bicycle traffic safety.

8 34. Except as specified for seasonal displays (§4.6.3.F) and “open” signs (§4.6.3.C), all  
9 external and internal lighting, including illuminated tubing, exposed bulbs, strings of  
10 lights and other lights sources, shall be directed toward a sign face and shielded from  
11 direct view.

12 45. Signs shall not be illuminated by a string of lights placed around the sign.

13 D. Design, construction and maintenance

14 ....

15  
16  
17 5. The owner of any advertising sign, ~~other than a permitted off-premises sign~~, located  
18 on commercial property where the use or business has ceased operating shall, within  
19 60 days of the cessation of use or business operation, replace the sign face with a  
20 blank face until such time as a use or business has resumed operating on the property.

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

24 §4.6.8. Signs allowed by district

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

26 ....

27  
28  
29  
30 C. General use districts

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

33 KEY:

34 A = signs or other devices allowed without a sign permit

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

36 blank box = sign type prohibited in the respective district

37

SIGN TYPES	RESIDENTIAL DISTRICTS						NONRESIDENTIAL DISTRICTS						STANDARDS
	RL	RM	RH	RT-6	RT	RMF	CL	CO	CR	CU	CG	IL	

38  
39 ....

SPECIAL SIGNS
---------------

40  
41  
42 ....

Sandwich board								P	P	P	P	P	P	P	§4.6.11.J
<b>TEMPORARY SIGNS</b>															
Announcement or promotional								P	P	P	P	P	P	P	§4.6.12.B
Construction	<del>AP</del>	<del>AP</del>	<del>AP</del>	<del>AP</del>	<del>AP</del>	<del>AP</del>	<del>AP</del>	<del>AP</del>	<del>AP</del>	<del>AP</del>	<del>AP</del>	<del>AP</del>	<del>AP</del>	<del>AP</del>	§4.6.12. <del>BC</del>
Political and noncommercial	<del>AP</del>	<del>AP</del>	<del>AP</del>	<del>AP</del>	<del>AP</del>	<del>AP</del>	<del>AP</del>	<del>AP</del>	<del>AP</del>	<del>AP</del>	<del>AP</del>	<del>AP</del>	<del>AP</del>	<del>AP</del>	§4.6.12. <del>ED</del>
Real estate	<del>AP</del>	<del>AP</del>	<del>AP</del>	<del>AP</del>	<del>AP</del>	<del>AP</del>	<del>AP</del>	<del>AP</del>	<del>AP</del>	<del>AP</del>	<del>AP</del>	<del>AP</del>	<del>AP</del>	<del>AP</del>	§4.6.12. <del>FE</del>
<del>Sandwich board</del>								<del>A</del>	<del>A</del>	<del>A</del>	<del>A</del>	<del>A</del>	<del>A</del>	<del>A</del>	<del>§4.6.12.G</del>
Seasonal product sales									P	P	P	P	P	P	§4.6.12. <del>HF</del>
Special event	<del>AP</del>	<del>AP</del>	<del>AP</del>	<del>AP</del>	<del>AP</del>	<del>AP</del>	<del>AP</del>	<del>AP</del>	<del>AP</del>	<del>AP</del>	<del>AP</del>	<del>AP</del>	<del>AP</del>	<del>AP</del>	§4.6.12. <del>IG</del>

1

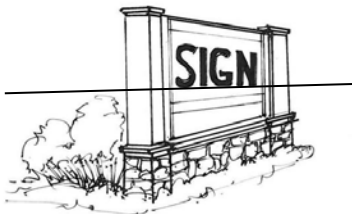
2 **BE IT FURTHER ORDAINED, by the City Council of the City of Fairfax, Virginia,**  
3 **that Chapter 110, Article 4, §4.6.9, of the Code of the City of Fairfax, Virginia, is hereby**  
4 **amended as follows:**

5 §4.6.9. Monument signs

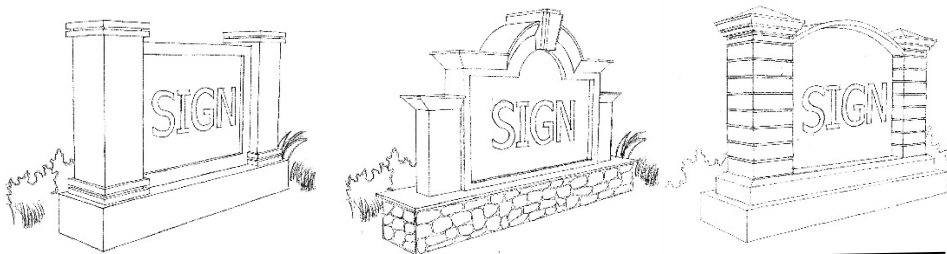
6

7 A. Description

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



14



15

16

17

18

19

20

....

E. Location

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

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

7 §4.6.11. Special signs

8 A. Changeable copy signs

9  
10 ....

11  
12 2. Location

13 Changeable copy signs may be included as a part of an otherwise permitted  
14 monument sign in any nonresidential district or as permitted subject to the provisions  
15 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  
16 complies with all requirements for monument signs. (See also §4.6.9)

17  
18 ....

19  
20 ~~4. Illumination~~

21 ~~All sign illumination shall be internal, except in the historic overlay districts of~~  
22 ~~§3.7.2. (See also §4.6.5.C)~~

23 ~~5. Electronic technology~~

24 Signs utilizing electronic technology shall be prohibited.

25  
26 ....

27  
28 C. Directional signs

29 1. Description

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

35 2. Number

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

39 3. Area

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

1           4. Location

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

4  
5           ....

6  
7       J. Sandwich board signs

8           1. Description

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

11          2. Area

12                   Not to exceed six square feet per face.

13          3. Number

14                   One per business or use.

15          4. Location

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

20          5. Duration

21                   Must be removed when the store is closed.

22  
23                   **BE IT FURTHER ORDAINED, by the City Council of the City of Fairfax, Virginia,**  
24 **that Chapter 110, Article 4, §4.6.12, of the Code of the City of Fairfax, Virginia, is hereby**  
25 **amended as follows:**

26       §4.6.12. Temporary signs

27           ....

28       B. Announcement or promotional signs

29           ....  
30

31       4. Location

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

34  
35       DC. Construction signs

36           1. Description

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

- 1           2. Area
- 2           Not to exceed 10 square feet in ~~the RL, RM and RH~~ residential districts, 32 square
- 3           feet in ~~all other~~ nonresidential districts.
- 4           3. Number
- 5           (a) A maximum total of two such signs per development.
- 6           (b) No individual residential unit may have more than one such sign.
- 7           4. Height
- 8           Not to exceed five feet in height.
- 9           5. Location
- 10          Located on the subject land or premises advertised at least 10 feet from all property
- 11          lines, or on a fence (permanent or temporary) or wall.
- 12          6. Duration
- 13          Must be removed prior to the issuance of a final zoning permit.

14  
15 ED. Political and noncommercial message signs

- 16          1. Description
- 17          On-premises signs expressing support for a candidate for public office or other
- 18          position regarding a public figure or any noncommercial message.
- 19          2. Area
- 20          Not to exceed 10 square feet in ~~the RL, RM and RH~~ residential districts, 32 square
- 21          feet in ~~all other~~ nonresidential districts.
- 22          3. Number
- 23          Limited to a maximum of one sign per street frontage.
- 24          4. Height
- 25          Not to exceed five feet in height.
- 26          5. Location
- 27          Located on the subject land, building or premises advertised at least 10 feet from all
- 28          property lines, or on a fence (permanent or temporary) or wall.
- 29          6. Duration
- 30          Placed for a maximum of 90 days.

31  
32 FE. Real estate signs

- 33          1. Description
- 34          On-premises signs advertising the premises for sale, rent or lease.
- 35          2. Area
- 36          Not to exceed 10 square feet in ~~the RL, RM and RH~~ residential districts, 32 square
- 37          feet in ~~all other~~ nonresidential districts.
- 38          3. Number
- 39          Limited to a maximum of one sign per street frontage.
- 40          4. Height
- 41          Not to exceed five feet in height.
- 42          5. Location
- 43          Located on the subject land, building or premises advertised at least 10 feet from all
- 44          property lines, or on a fence (permanent or temporary) or wall.
- 45          6. Duration

1 Must be removed upon settlement or closing of sale, or leasing of 75 percent of  
2 leasable floor area.

3  
4 ~~G. Sandwich board signs~~

5 ~~1. Description~~

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

8 ~~2. Area~~

9 ~~Not to exceed six square feet per face.~~

10 ~~3. Number~~

11 ~~One per business or use.~~

12 ~~4. Location~~

13 ~~Located must not impede pedestrian flow.~~

14 ~~5. Duration~~

15 ~~Must be removed when the store is closed.~~

16  
17 ~~H.F.~~ Seasonal product sales signs

18 1. Description

19 On-premises signs displayed in conjunction with a seasonal stand or vendor location  
20 for seasonal sales, of produce, fireworks, Christmas trees and similar products.

21 2. Area

22 Not to exceed 20 square feet.

23 3. Number

24 A maximum of one sign shall be allowed per use.

25 4. Location

26 Located must not impede pedestrian flow.

27 5. Height

28 Not to exceed five feet in height.

29 6. Duration

30 Such signs shall have the same duration as the temporary use permit issued for the  
31 stand.

32  
33 ~~I.G.~~ Special event signs

34 1. Description

35 On-premises signs advertising special events sponsored or co-sponsored by the city,  
36 community group or any other nonprofit organization including banners.

37 2. Area

38 Not to exceed 32 square feet.

39 3. Location

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

42 4. Duration

43 Permitted for a maximum of 30 days per event, and up to 90 days per year.

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

4 §4.9.2. Applicability

5  
6           This section shall apply to the construction, ~~renovation~~ or redevelopment of large format  
7 retail buildings with aggregate floor area of more than 30,000 square feet.

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

11 §4.10.3. Outdoor storage

12           ....

13           B. Limited outdoor storage

14           1. Limited outdoor storage includes garden supplies, building supplies, plants, ~~vehicle~~  
15 ~~sales and services~~, play equipment and other similar uses.

16           2. Limited outdoor storage shall comply with the following standards:

17           (a) No outdoor storage shall be allowed in required front or side yards or within 15  
18 feet of any public right-of-way, whichever is greater.

19           (b) Outdoor storage may be located to the side of a building, provided it is not located  
20 within the required side yard (setback).

21           (c) No outdoor storage shall be permitted within required parking lots or spaces.

22           (d) Any rear yard may be used for outdoor storage purposes.

23           ~~3. Vehicles for sale or rent shall be located and displayed on a paved parking lot~~  
24 ~~screened under the same requirements as for a parking lot. (See also §4.5.7)~~

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

28 §4.11. Underground utilities

29           A. Unless specifically exempt, all existing and proposed development for which site plan  
30 approval is required (see §6.8) shall meet the provisions of §4.11.

31           AB. All on-site utilities shall be installed underground at the applicant's expense in  
32 accordance with city and applicable utility company standards; provided that temporary  
33 overhead facilities required for construction purposes shall be permitted.

34           BC. When the proposed development will result in moving or relocating existing overhead  
35 utilities located in adjoining rights-of-way, the applicant shall be responsible for placing  
36 such utilities underground and dedicating any additional right-of-way or easement that is



1 necessary. Equipment such as electric distribution transformers, switch gear, meter  
2 pedestals and telephone pedestals which is normally installed above ground in  
3 accordance with generally accepted utility practice for underground distribution may be  
4 so installed.

5 €D. Special exceptions to the above requirement shall only be granted by the city council  
6 pursuant to the procedures and limitations of §6.17.

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

10 §4.14.4. Noise

11 ....

12 D. Exemptions

13 ....

14  
15 2. The following uses and activities shall be exempt from the provisions of §4.14:

16  
17 ....

18  
19 (g) Any noise conducted in connection with a special use permit issued by the city  
20 and displayed at the place of noise generation, provided that such noise does not  
21 exceed the limits established therein;~~and~~

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

26  
27 ....

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

31 §4.15.6. Establishment of special flood hazard areas

32 ....

33

1 A. Description of special flood hazard districts

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

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

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

20 §5.5.2. Powers and duties

21 ....

22 B. Recommendations

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

- 24 1. Text amendments (§6.3);  
25 2. Map amendments (rezoning) (§6.4);  
26 3. Certificates of appropriateness, ~~minor~~ major (§6.5);  
27 4. Planned development reviews (§6.6); and  
28 5. Special use reviews (§6.7).  
29

30 C. Final decisions

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

- 32 1. Certificates of appropriates, minor (§6.5);  
33

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

37 §5.6.2. Powers and duties

1 ....

2 B. Recommendations

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

- 5 ~~1. Certificates of appropriateness, major (§6.5);~~  
6 21. Special exceptions (§6.17); and  
7 32. Variances (§6.18).

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

11 §6.2.3. Application requirements

12 ....

13 D. Fees

- 14 1. All applications shall be accompanied by the associated filing fee and shall be filed  
15 with the applicable review official or body.  
16 2. Filing fees shall be established from time to time by resolution of the city council to  
17 cover all actual costs associated with the processing of applications. Such costs shall  
18 include but not be limited to all costs associated with application review and the  
19 provision of required public notices. (See § 15.2-2286(A)(6), Code of Virginia, for  
20 more information.)  
21 3. Organizations exempt from taxation pursuant to section 501(c)(8) or section  
22 501(c)(19) of the Internal Revenue Code shall be exempt from the payment of fees  
23 for temporary use permits for said organizations.  
24 34. Filing fees are not refundable except where an application was accepted in error, the  
25 fee paid exceeded the amount due, or where an application is withdrawn by the  
26 applicant in writing prior to any significant expenditure of time reviewing the  
27 application and prior to publication of any notices.

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

31 §6.2.5. Notice and public hearing

32 ....

33 B. Public notice requirements

1  
2 ....  
3

4 2. Mailed notice  
5  
6 ....

7 (c) All other

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

18  
19 (2) The notice shall be mailed at least ~~40~~5 days prior to the date of the public  
20 hearing.  
21

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

25 ~~§6.3.3. Application requirements~~

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

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

31 ~~§6.3.43.~~ Notice and public hearing

32 ....

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

1 §6.3.54. Action by director of community development and planning

2 ....

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

6 §6.3.65. Action by planning commission

7 ....

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

11 §6.3.76. Action by city council

12 ....

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

16 §6.3.87. Approval considerations

17 ....

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

21 §6.3.98. Approval considerations

22 ....

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

1 §6.5.1. Applicability

2 Certificates of appropriateness shall be reviewed in accordance with the provisions of  
3 §6.5.

4 A. A certificate of appropriateness shall be required:

- 5 1. To any material change in the appearance of a building, structure, or site visible from  
6 public places (rights-of-way, plazas, squares, parks, government sites, and similar)  
7 and located in a historic overlay district (§3.7.2), the Old Town Fairfax Transition  
8 Overlay District (§3.7.3), or in the Architectural Control Overlay District (§3.7.4).  
9 For purposes of §6.5, “material change in appearance” shall include construction;  
10 reconstruction; exterior alteration, including changing the color of a structure or  
11 substantial portion thereof; demolition or relocation that affects the appearance of a  
12 building, structure or site in the historic overlay district (§3.7.2); and  
13 2. To install, relocate or modify any sign not expressly exempt in a historic overlay  
14 district or in the Old Town Fairfax Transition Overlay District. (See also §4.6)

15 B. Nothing in §6.5 shall be construed to be in conflict with any provision of this chapter or  
16 the Virginia Uniform Statewide Building Code (USBC) that permits the razing of unsafe  
17 structures.  
18

19 ....

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

23 §6.5.3. Certificate of appropriateness types

24 There are two types of certificate of appropriateness with differing levels of approval required for  
25 each. The criteria for establishing which type of certificate of appropriateness and the  
26 corresponding level of approval for each are indicated below.  
27

28 A. Minor certificate of appropriateness

29 1. Applicability

30 A minor certificate of appropriateness shall include proposed changes to:  
31

32 ....  
33

- 34 (e) Signs in the Old Town Fairfax Historic Overlay and Old Town Fairfax Transition  
35 Overlay Districts as specified in §3.7.2.B.8 and §3.7.3.F, respectively ~~except as~~  
36 ~~allowed pursuant to §4.6.3;~~  
37

38 ....  
39

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

4 §6.5.6. Action by decision-making body

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

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

13  
14     B. Other reviews

15       1. Prior to taking action on special use reviews, planned development reviews, special  
16       exceptions and map amendments (rezoning), the city council shall refer proposed  
17       certificates of appropriateness to the BAR for review in accordance with the approval  
18       criteria of §6.5.7.

19       2. In conjunction with special use reviews, planned development reviews, special  
20       exceptions and map amendments (rezoning), the city council may review the  
21       proposed certificate of appropriateness in accordance with the approval criteria of  
22       §6.5.7. The city council may request modifications of applications in order that the  
23       proposal may better comply with the approval criteria. Following such review, the  
24       city council may approve, approve with modifications or conditions, or disapprove  
25       the certificate of appropriateness application, or it may table or defer the application.

26  
27       ....

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

31 §6.8.2. Exemptions

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

34     A. Single-family detached dwellings and related accessory structures in the RL, RM and RH  
35     districts;

36     B. Expansion of existing conforming structures and development features by up to 10  
37     percent or 2,500 square feet, whichever is less, in floor area, number of units or building  
38     coverage area; and does not increase lot coverage;

39     C. Nonresidential ~~Accessory~~ uses and facilities ~~in nonresidential districts~~ involving  
40     structures less than 500 square feet;

41     D. Common amenity facilities, recreation and open space in approved subdivisions that have  
42     less than 2,500 square feet of associated land disturbance;

- 1 E. Addition of bicycle parking when such parking is the only new parking being added; ~~and~~  
2 F. Public improvements made within a public right-of-way or easement by the city of  
3 Fairfax; ~~;~~  
4 G. Restriping or reconfiguring of an existing parking lot, including loading areas;  
5 H. Construction of trash enclosures and recycling enclosures, including installation of  
6 concrete pads over existing pavement;  
7 I. Addition or modification of site lighting facilities;  
8 J. Installation of wheel stops, landscape islands and curb and gutter, and similar features;  
9 K. Other changes that are similar to and carry no more impact than those listed above, as  
10 determined by the zoning administrator.

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

14 §6.8.3. Site plan types

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

18 A. Minor site plans

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

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



1           (eb) Other changes to approved site plans or to projects that are similar to and carry  
2           no more impact than the one or more of subsection (a) through (e), above, as  
3           determined by the zoning administrator.  
4  
5           ....

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

9           §6.8.10. Dedication and improvements  
10

11           A. In the development of any property for which a major site plan is required in §6.8, the  
12           applicant shall be required to dedicate or provide a public easement for any additional  
13           right-of-way within the subject site necessary to the width required by this city for streets  
14           adjoining the property, to install curbs and gutters and pave all streets adjoining the  
15           property, and to install sidewalks in accordance with the policies and requirements  
16           of ~~City Code, Chapter 86, Subdivisions Regulations~~ this chapter, and the public facilities  
17           manual.  
18  
19           ....

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

23           §6.9.1. Applicability  
24

24           ....

25  
26           B. No ~~ground-mounted monument~~, building-mounted, ~~or special sign~~ or temporary (as  
27           applicable) sign shall be erected or replaced, or changed or altered, including replacing  
28           any part of the support structure of a sign and change/ alteration to the background of a  
29           sign or sign box, until the zoning administrator has approved a permit.

30           ....

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

1 §6.10.1. Applicability

2 ....

3  
4 B. Tree removal permits shall be required to remove or destroy any tree which is five inches  
5 or greater measured at breast height (DBH) on any lot larger than one-half acre in the RL,  
6 RM and RH zoning districts, and in all other districts. Tree removal permits shall not be  
7 required to be obtained prior to removing a tree if the tree has been determined a public  
8 health and safety menace in accordance with the applicable provisions of City Code,  
9 Chapter 38, Article III ~~by the zoning administrator.~~

10  
11 ....

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

15 §6.11.3. Action by director of public works

16  
17 The director of public works will review floodplain permit applications in accordance  
18 with the approval criteria of ~~§6.13.3~~11.5.

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

22 §6.12.4. Action by director of public works

23  
24 The director of public works will review erosion and sediment control permit applications  
25 in accordance with the approval criteria of ~~§6.13.3~~12.6.

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

29 §6.13.3. Action by director of public works

30  
31 The director of public works will review Chesapeake Bay review applications in  
32 accordance with the approval criteria of ~~§6.13.3~~5.

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

4 §6.17.5. Action by zoning administrator

5           ....

- 6  
7           B. Applications on historic district and the transition overlay district properties requiring a  
8 certificate of appropriateness will be submitted to the board of architectural review for  
9 recommendation prior to action by the decision-making body.

10  
11           ....

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

15 §6.17.7. Approval criteria

- 16           A. In approving a special exception, decision-making bodies shall consider additional  
17 mitigation measures offered in support of the application, if any, and whether granting  
18 the special exception will:

19  
20           ....

- 21  
22           2. Not ~~not~~ materially and adversely affect adjacent land uses and the physical character  
23 of uses in the immediate vicinity of the proposed development because of inadequate  
24 transitioning, screening, setbacks and other land use considerations;

25  
26           ....

27  
28           **BE IT FURTHER ORDAINED, by the City Council of the City of Fairfax, Virginia,**  
29 **that Chapter 110, Article 6, §6.21.10, of the Code of the City of Fairfax, Virginia, is hereby**  
30 **amended as follows:**

31 §6.21.10. Appeals to court

32  
33           Final decisions of the board of zoning appeals may be appealed within 30 days of the  
34 decision in accordance with ~~§6.22.323~~.  
35

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

4 §6.22.10. Appeals to court

5  
6           Final decisions of the city council on certificates of appropriateness may be appealed  
7           within 30 days of the decision in accordance with ~~§6.22.323~~.

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

11 §8.4.4. Notice of right to appeal

12  
13           Any written notice of a zoning violation or a written order of the zoning administrator,  
14           including a summons or ticket as described above, shall include a statement informing the  
15           recipient that he may have a right to appeal the notice of a zoning violation or a written order  
16           within 30 days in accordance with this chapter, and that the decision shall be final and may  
17           not be appealed if not appealed within 30 days. The appeal period shall not commence until  
18           such notice is given and mailed or posted as required under applicable law.

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

22 §9.3.1. General terms

23           ....

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

28           ....

29  
30           ~~BASEMENT: Any area of the building having its floor sub-grade (below ground level) on all~~  
31 ~~sides. A story that is not a story above grade plane (for areas subject to Floodplain~~  
32 ~~Regulations, see definition in §4.15.15).~~

33           ....

1  
2 CEMETERY: Land used or intended to be used for the burial of the dead, whether human or  
3 animal, including a mausoleum or columbarium.

4  
5 ~~CREMATORIUM: A place where bodies are consumed by incineration and the ashes of the~~  
6 ~~deceased are collected for permanent burial or storage in urns.~~

7  
8 CHESAPEAKE BAY PRESERVATION AREA OR CBPA: Any land designated by the city  
9 council pursuant to Code of Virginia, § 10.1-2107. A Chesapeake Bay preservation area shall  
10 consist of a resource protection area and a resource management area.

11  
12 ....

13  
14 CORNER LOT: See §1.5.

15  
16 CREMATORIUM: A place where bodies are consumed by incineration and the ashes of the  
17 deceased are collected for permanent burial or storage in urns.

18 DANCING AREAS: Any area designed or intended for dancing.

19  
20 ....

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

27  
28 GRADE PLANE: A reference plane representing the average of finished ground level  
29 adjoining the building at exterior walls. Where the finished ground level slopes away from  
30 the exterior walls, the reference plane shall be established by the lowest points within the  
31 area between the building and the lot line or, where the lot line is more than six feet from the  
32 building, between the building and a point six feet from the building.

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

34  
35 ....

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

38  
39 ~~INFORMATIONAL OR DIRECTIONAL SIGN: Signs giving information or direction for~~  
40 ~~the convenience and necessity of the public; i.e., "entrance," "exit," "office," "no~~

1 ~~admittance, "no trespassing," "telephone," "parking," "loading only," "no hunting, fishing,~~  
2 ~~or swimming, "bad dog," "full service," "self service," and similar directives.~~

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

7 ....

8  
9 LANDSCAPING: Any live plant material such as trees, shrubs, ground cover, and grass used  
10 in spaces void of any impervious material or building structures, areas left in their natural  
11 state or areas where mulch is used as a ground cover.

12  
13 LEARNING CENTER: Instruction of more than three students at one time.

14  
15 LEGISLATIVE ACTION OR DECISION: Discretionary regulatory decision or approval by  
16 the planning commission or city council regarding text amendments, map amendments  
17 (rezoning) or special use review under this chapter; a reasonably debatable action that could  
18 result in a decision that promotes the general welfare of the city.

19  
20 ....

21  
22 LOT LINE, REAR: The lot line that is most distant from, and is most nearly parallel with,  
23 the front lot line. See also §1.5.12.D.

24  
25 ....

26  
27 OLD TOWN FAIRFAX: Old Town Fairfax Historic Overlay District and the Old Town  
28 Fairfax ~~Historic~~ Transition Overlay District. (See §3.7.2.B and §3.7.3)

29  
30 ....

31  
32 ~~OUTPARCEL: Individual retail sites in a retail center that, when combined, are less than the~~  
33 ~~square footage of the attached retail spaces which form the majority of the square footage of~~  
34 ~~the center.~~ A separate legal parcel on the same site.

35  
36 ....

37  
38 PREMISES: The term "premises" is interchangeable with the term "~~lot~~site."

39  
40 ....

41  
42 RETAIL, LARGE FORMAT: A building that ~~either~~ occupies more than 30,000 square feet  
43 on one or on more than one level dedicated to one or more principal retail commercial land  
44 use(s), including, but not limited to grocery stores and shopping centers.

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....

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.~~

....

1 This ordinance shall become effective upon adoption.

2

3 PLANNING COMMISSION PUBLIC HEARING: \_\_\_\_\_

4 CITY COUNCIL PUBLIC HEARING: \_\_\_\_\_

5 ENACTED: \_\_\_\_\_

6

7

\_\_\_\_\_  
Mayor

8

9

Date: \_\_\_\_\_

10

11

12 ATTEST:

13

14 \_\_\_\_\_

15 City Clerk

16

17 Vote

18 Councilmember DeMarco \_\_\_\_\_

19 Councilman Greenfield \_\_\_\_\_

20 Councilmember Miller \_\_\_\_\_

21 Councilmember Passey \_\_\_\_\_

22 Councilmember Stehle \_\_\_\_\_

23 Councilmember Schmidt \_\_\_\_\_



**SAMPLE MOTION**

**“I MOVE TO APPROVE 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.”**