

City of Fairfax, Virginia
City Council Regular Meeting



Agenda Item # 8c

City Council Meeting 1/22/2019

TO: Honorable Mayor and Members of City Council

FROM: Robert A. Stalzer, City Manager *RA Stalzer*

SUBJECT: Public hearing and Council action on the 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 Districts and Regulations, Site Development Standards, Development Review Procedures, Enforcement and Penalties, and Definitions.

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 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 This ordinance repealed the previous Zoning Ordinance and readopted it with significant revisions.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 November 2018. The Planning Commission held a public hearing on the proposed amendments to the Zoning Ordinance on January 14, 2019 and recommended approval to the City Council.

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

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

MEMORANDUM

To: Honorable Mayor and Members of the City Council

Through: Robert A. Stalzer, 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 Districts and Regulations, Site Development Standards, Development Review Procedures, Enforcement and Penalties, and Definitions.

Meeting Date: January 22, 2019



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 a work session on November 27, 2018 to review and provide input on the draft amendments. On December 10, 2018, the Planning Commission adopted a motion to initiate amendments to the Zoning Ordinance.

On January 14, 2019, the Planning Commission held a public hearing and received comments on the proposed amendments to the Zoning Ordinance. The comments from a member of the public included: a recommendation to expand the accessory dwelling unit provisions to permit accessory dwelling units in accessory structures (current provisions allow accessory dwelling units only within the single-family dwelling), and concern regarding the increase in fees associated with criminal penalties (changes proposed in City's Zoning Ordinance reflect amendments to the Code of Virginia passed by the Virginia General Assembly during the 2018 session). The Planning Commission unanimously recommended approval of the amendments as presented.

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 (as amended through 3/27/18). 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

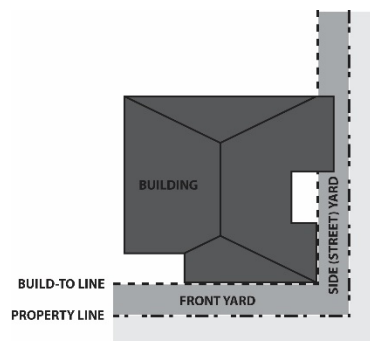
§1.5.4 Build-to line (page 1-4): Proposed amendment would clarify that build-to lines refer to property lines or a maximum setback from property lines as may be specified in a district, as opposed to the property line exclusively. The proposed amendment will also add a companion graphic to accompany the text.

Current:

Build-to line refers to the front and side (street) property line to which a minimum percentage of the building façade along the front yard and side (street) yard, if any, must be built.

Proposed:

Build-to lines ~~refers to~~ are either the front and side (street) property lines or lines parallel to the front and side (street) property lines as specified to provide the maximum yard allowed to which a minimum percentage of the building façade along the front yard and side (street) yard, if any, must be built.



§1.5.10.A Building frontage (page 1-6): Proposed amendment would correct an incorrect section reference.

Current:

2. Building frontage is measured in a straight line from one end of the wall most nearly parallel to and adjacent to the street, to required parking (§4.2) or recreation and open space (§3.7.5) to the other end of the same wall facing the street, required parking or recreation and open space. Neither articulations nor offsets in the wall shall increase the length of the building frontage.

Proposed:

2. Building frontage is measured in a straight line from one end of the wall most nearly parallel to and adjacent to the street, to required parking (§4.2) or recreation and open space (~~§3.7.5~~§8.7) to the other end of the same wall facing the street, required parking or recreation and open space. Neither articulations nor offsets in the wall shall increase the length of the building frontage.

§1.6.6 District Conversion (page 1-15): Proposed amendment would delete reference to the John C. Wood House Historic Overlay District. The overlay district was removed from the zoning map on 9/11/18 as part of a planned development approval.

Current:

The zoning district names in effect prior to the effective date of this chapter are amended as shown below.

Previous Designation		New Designation	
OVERLAY DISTRICTS			
--	John C Wood House Historic Overlay	--	John C Wood House Historic Overlay

Proposed:

The zoning district names in effect prior to the effective date of this chapter are amended as shown below.

Previous Designation		New Designation	
OVERLAY DISTRICTS			
--	John C Wood House Historic Overlay	--	John C Wood House Historic Overlay

Article 3. Zoning Districts and Regulations

§3.2.2.A.4 John C. Wood House Historic Overlay District (page 3-3): Proposed amendment would delete reference to the John C. Wood House Historic Overlay District. The overlay district was removed from the zoning map on 9/11/18 as part of a planned development approval.

Current:

4. John C. Wood House Historic Overlay District

There is hereby created a historic overlay district to be known as the John C. Wood House Historic Overlay District, the boundaries of which are to be set forth on the city's official zoning map.

Proposed:

~~**4. John C. Wood House Historic Overlay District**~~

~~There is hereby created a historic overlay district to be known as the John C. Wood House Historic Overlay District, the boundaries of which are to be set forth on the city's official zoning map.~~

§3.3.1.B Principal uses (pages 3-5 and 3-6): Proposed amendment would add the respective use standard section reference to the Manufacturing, heavy and Manufacturing, limited use types.

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	
P = PERMITTED / S = SPECIAL USE (§6.7) / * = GROUP OF USES (§3.4.1)													
Manufacturing, heavy*													S
Manufacturing, limited*												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)														
Manufacturing, heavy*													S	\$3.5.4.C
Manufacturing, limited*												P	P	\$3.5.4.D

§3.3.1.B Principal uses (pages 3-5 and 3-6): Proposed amendment would revise the Furniture and appliance stores use type to Furniture, appliance and carpet/flooring stores. In conjunction with this amendment, carpet and floor coverings would be deleted from the Retail, general use group and added to the furniture or appliance store definition. The operating characteristics of carpet and flooring stores are more similar to furniture and appliance stores than to general retailers.

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)														
Furniture and appliance stores									P	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)														
Furniture, and-appliance or carpet/flooring stores									P	P	P	P		

§3.4.1.F.6 Restaurants or food services (page 3-9 and 3-10): Proposed amendment would correct a clerical error.

Current:

(c) Restaurant, specialty: an establishment primarily engaged in the retail sale of a limited variety of baked goods, candy, coffee, ice cream or other specialty food items, which may be prepared for on-premises sale and which may be consumed on the site, but excluding any service to a customer in an motor vehicle. Typical uses include retail bakeries, coffee shops, dough shops, and ice cream shops.

Proposed:

(c) Restaurant, specialty: an establishment primarily engaged in the retail sale of a limited variety of baked goods, candy, coffee, ice cream or other specialty food items, which may be prepared for on-premises sale and which may be consumed on the site, but excluding any service to a customer in an motor vehicle. Typical uses include retail bakeries, coffee shops, doughnut shops, and ice cream shops.

§3.4.1.F.7 Retail, general (page 3-10): Proposed amendments would delete carpet and floor coverings from the Retail, general use group description. In conjunction with this amendment, carpet and floor coverings would be added to the furniture and appliance definition and use type.

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; vehicle parts; 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 Services, general (pages 3-10 and 3-11): Proposed amendment would add sign-making to the Services, general use group description. This is a companion to a proposed amendment to the Manufacturing, limited use group, which would replace sign-making with sign fabrication to distinguish the permitted activity in the Manufacturing, limited use group as the actual manufacturing of signs from the permitted activity in the Services, general use group, which would include sign printing or lettering that would typically occur in a copy shop or sign shop. Proposed amendment would also correct a clerical error.

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; musical instruments; office equipment; radios; televisions; furniture or any similar use. General services shall also include a upholsterer or locksmith. General services does not include any adult use.

Proposed:

Services, general

A facility involved in providing general or repair services. General services shall include the following: animal grooming; photocopy; sign-making; security service; taxidermy; or any similar use. General services shall also include the following repair services: bicycles; canvas products; clocks; computers; musical instruments; office equipment; radios; televisions; furniture or any similar use. General services shall also include an a upholsterer or locksmith. General services does not include any adult use.

§3.4.1.G.3 Manufacturing, limited (page 3-12): Proposed amendment replace sign-making with sign fabrication in the Manufacturing, limited use group description. This is a companion to a proposed amendment to the Services, general use group, which would add sign-making to the description of uses in that group. The

proposed amendment would distinguish the permitted activity in the Manufacturing, limited use group as the actual manufacturing of signs from the permitted activity in the Services, general use group, which would include sign printing or lettering that would typically occur in a copy shop or sign shop.

Current:

A facility conducting light industrial and manufacturing operations within a fully enclosed building, generally serviced by trucks no longer than 24 feet in length. Limited manufacturing shall include the following: building contractors; building maintenance service; bulk mailing service; clothing or textile manufacturing; exterminator; laundry or dry cleaning plant; medical or dental laboratory; photo-finishing laboratory; printing, publishing, and lithography; production of artwork and toys; sign-making; lawn mower repair; movie production facility; photo-finishing laboratory; welding, machine, tool repair shop or studio; or any similar use.

Proposed:

A facility conducting light industrial and manufacturing operations within a fully enclosed building, generally serviced by trucks no longer than 24 feet in length. Limited manufacturing shall include the following: building contractors; building maintenance service; bulk mailing service; clothing or textile manufacturing; exterminator; laundry or dry cleaning plant; medical or dental laboratory; photo-finishing laboratory; printing, publishing, and lithography; production of artwork and toys; sign-making fabrication; lawn mower repair; movie production facility; photo-finishing laboratory; welding, machine, tool repair shop or studio; or any similar use.

§3.5.4 Industrial use standards (page 3-29 and 3-30): Proposed amendments would: add a reference to the outdoor storage and display provisions in the ordinance (§4.10) in addition to the screening requirements in the ordinance (§4.5.8), delete outdoor activities from Manufacturing, limited (to ensure its consistency with the use group description for Manufacturing, limited (§3.4.1.G.3) that does not permit outdoor operations), modify the transitional yard requirements of vehicle storage and towing and waste service adjacent to a residential use to match the transitional yard requirements for industrial districts adjacent to residential districts, and correct a clerical error.

Current:

A. Fuel sales, residential

Residential fuel sales facilities shall have on-site storage capacity of no greater than 49,000 gallons.

B. Manufacturing, general

All outdoor activities and storage associated with general manufacturing shall be screened from view off site in accordance with the requirements of §4.5.8.

C. Manufacturing, heavy

All outdoor activities and storage associated with heavy manufacturing uses shall be screened from view off site in accordance with the requirements of §4.5.8.

D. Manufacturing, limited

All outdoor activities and storage associated with heavy manufacturing uses shall be screened from view off site in accordance with the requirements of §4.5.8.

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.

F. Waste service

1. A transitional yard TY3 in accordance with §4.5.5 shall be established along any side of the property adjacent to a residential use.

2. All waste service uses shall be screened from view off-site in accordance with the requirements of §4.5.8.

Proposed:

A. Fuel sales, residential

Residential fuel sales facilities shall have on-site storage capacity of no greater than 49,000 gallons.

B. Manufacturing, general

All outdoor activities and storage associated with general manufacturing shall be screened from view off site in accordance with the requirements of §4.5.8 and §4.10.

C. Manufacturing, heavy

All outdoor activities and storage associated with heavy manufacturing uses shall be screened from view off site in accordance with the requirements of §4.5.8 and §4.10.

D. Manufacturing, limited

All outdoor activities and storage associated with ~~heavy~~ limited manufacturing uses shall be screened from view off site in accordance with the requirements of §4.5.8 and §4.10.

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 TY~~3~~4 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.

F. Waste service

1. A transitional yard TY~~3~~4 in accordance with §4.5.5 shall be established along any side of the property adjacent to a residential use.

2. All waste service uses shall be screened from view off-site in accordance with the requirements of §4.5.8.

§3.5.5.D.1 Accessory dwelling units (page 3-33): Proposed amendment would correct a clerical error.

Current:

(b) accessory dwelling units shall be located within the structure of a single-family dwelling unit; and any added external entrances for the accessory dwelling unit shall be located on the side or rear of the structure.

Proposed:

(b) ~~a~~ Accessory dwelling units shall be located within the structure of a single-family dwelling unit; and any added external entrances for the accessory dwelling unit shall be located on the side or rear of the structure.

§3.5.6 Temporary uses (page 3-43 through 3-46): Proposed amendment would create a category of temporary uses that would be required to meet standards within the ordinance, but would not require the issuance of a permit. The temporary uses proposed for this category would be: minor events; retail sales events and promotions, outdoor; and seasonal sales, temporary. The amendment would reclassify retail sales events, outdoor and seasonal sales, temporary from requiring a permit to not requiring a permit with additional standards. Minor events would be a new classification of temporary use, separating smaller scale events from

the special events that would continue to require issuance of a permit. The proposed amendment would also revise seasonal sales provisions to allow for 45 instead of 30 consecutive days of operation.

Current:

A. Purpose and intent

There are certain uses that may be permissible on a temporary basis subject to the controls, limitations and regulations of §3.5.6. The following sections provide the procedures and criteria used by the zoning administrator in reviewing temporary use applications.

B. Permitted temporary uses

No temporary use shall be established unless a temporary use permit is approved pursuant to the provisions of §6.15. In addition to complying with the approval criteria of §6.15.4, the following uses shall comply with the applicable specific use requirements:

1. Pick-up and drop-off containers and facilities, subject to §3.5.6.D;
2. Construction offices, temporary, subject to §3.5.6.E;
3. Family health care structure, temporary, subject to §3.5.6.F;
4. Retail sales events, outdoor, temporary subject to §3.5.6.G;
5. Residential sales offices and model homes, temporary, subject to §3.5.6.H;
6. Residences, temporary, subject to §3.5.6.I;
7. Special events, temporary, subject to §3.5.6.J;
8. Seasonal product sales, temporary, subject to §3.5.6.K;
9. Storage pods, temporary, subject to §3.5.6.L;
10. Vehicle storage, temporary, subject to §3.5.6.M;
11. Other uses similar in nature to the ones listed above, with corresponding controls, limitations and regulations, in accordance with the general standards of §3.5.6.C.

C. General standards

1. No temporary use shall be permitted unless the applicant demonstrates compliance with these standards to the satisfaction of the zoning administrator. The zoning administrator may impose reasonable conditions on the use to ensure compliance with these standards or other applicable provisions of law.
2. Temporary uses and temporary use permits may be approved for up to one year, unless otherwise specified.
3. Adjacent uses shall be suitably protected from any adverse effects of the use, including noise and glare.
4. The use shall not create hazardous conditions for vehicular or pedestrian traffic, or result in traffic in excess of the capacity of streets serving the use.
5. Adequate refuse management, security, emergency services and similar necessary facilities and services shall be available for the temporary use, and all sanitary facilities shall be approved by the appropriate health agency.
6. The site shall be suitable for the proposed use, considering flood hazard, drainage, soils and other conditions that may constitute a danger to life, health or safety.
7. The use shall not have a substantial adverse impact on the natural environment, including trees, ground cover and vegetation.
8. The use shall be maintained in an orderly manner and all donations shall be contained within the container.

D. Pick-up and drop-off containers and facilities

1. Applicability

Temporary use permits for pick-up and drop-off containers and facilities may be approved for up to three years, and the permit may be renewed, in the following locations and circumstances:

- (a) In CL, CO, CR, CU, and CG districts on lots containing not less than 40,000 square feet;
- (b) In commercial areas of planned districts, when ancillary to the principal use, and only when shown on an approved master development plan;
- (c) In residential districts where the principal use of the development is not residential, and only when such containers and facilities are shown on an approved site plan; and
- (d) When such container and facilities is specifically identified on approved master development plans.

2. Maximum size and number

A maximum of two donation drop-off boxes shall be permitted on any one lot and shall be located within a contiguous area of not more than 120 square feet, with no individual drop-off box exceeding the dimensions of seven feet in height, six feet in width or six feet in length.

3. Location

- (a) Pick-up and drop-off containers and facilities shall be permitted in any yard except the minimum required front or side (street) yard.
- (b) Such containers and facilities shall not be located in any required recreation and open space, transitional yard, required landscaped area, on any private street, sidewalk or trail, in any required parking space, or in any location that blocks or interferes with vehicular and/or pedestrian circulation. Donation drop-off boxes shall be located in accordance with all applicable building and fire code regulations for the purpose of ensuring safe ingress and egress, access to utility shut-off valves, and for fire protection. Such containers shall also be subject to the visual clearance provisions of §4.3.4.

4. Design, management and maintenance

- (a) Donation drop-off boxes shall be weather-proof, constructed of painted metal, plastic, or other similarly noncombustible material, properly maintained in good repair and in a manner that complies with all applicable building code and fire code regulations, and secured from unauthorized access.
- (b) All donated items shall be collected and stored in the donation drop-off box which shall be emptied as needed or within 48 hours of a request by the property owner or authorized agent.
- (c) Items and materials including trash shall not be located outside or in proximity to a donation drop-off box for more than 24 hours and shall be removed by the property owner, operator of the donation drop-off box or their authorized agent.

5. Screening

Pick-up and drop-off containers and facilities shall be screened in accordance with the requirements of §4.5.8.E.

6. Signage and information

Donation drop-off boxes shall display the following information in a permanent and legible format that is clearly visible from the front of the container:

- (a) Specific items and materials requested;
- (b) Name of the operator or owner of the container;
- (c) Entity responsible for the maintenance of the container and the removal of donated items, including any abandoned materials and trash located outside the donation drop-off box;
- (d) Phone number where the owner, operator or agent of the owner or operator may be reached at any time; and
- (e) Notice stating that no items or materials shall be left outside of the donation drop-off box and the statement, "Not for refuse disposal. Liquids are prohibited."

E. Construction offices, temporary

An industrialized building may be used as a temporary office, security shelter, or shelter for materials or tools necessary for construction on or development of the premises upon which the temporary construction

office is located. Such use shall be strictly limited to the time construction or development is actively underway.

F. Family health care structure, temporary

A temporary family health care structure shall be allowed in accordance with the requirements of Code of Virginia, § 15.2-2292.1.

G. Retail sales events, outdoor

Outdoor retail sales events may be permitted only in conjunction with an established business and on the same lot as said business.

H. Residential sales offices and model homes, temporary

1. Temporary residential sales offices and model homes may be located within a residential district as part of an ongoing residential development. Such offices and homes shall be removed or converted to a use permitted within the district when use as a sales office or model home has ceased.

2. Model homes for new subdivisions shall only be occupied for residential habitation after all business activities have ceased. Upon sale the home shall comply with applicable residential parking standards.

I. Residence, temporary

No recreational vehicle, trailer, tent, garage, barn or other similar vehicle or building erected on any lot shall be used as a residence for more than 10 days within a six month period, provided that the City Council may approve longer time frames in cases of significant calamity or natural disaster.

J. Special events, temporary

Temporary events, including but not limited to car shows, carnivals, circuses, dog shows, festivals, fairs, fireworks shows, horse shows, tent revivals and similar events, regardless of whether or not admission is charged, may be permitted subject to the following standards:

1. Temporary use permit for such activities shall be issued for not more than 10 days, in any six-month period.

2. No such activity shall be located closer than 300 feet to a residential use, without the approval of city council. This provision shall not apply to public, civic and institutional use-sponsored events, and indoor events.

3. Adequate provisions must be made for parking, and safe ingress and egress must be provided.

4. Night operations shall be permitted only if there is a lighting plan that provides for safe lighting without excessive glare into streets or residential areas.

5. Signs for temporary special events shall comply with §4.6.

K. Seasonal sales, temporary

Seasonal sales, such as Christmas tree, fireworks and pumpkin sales lots, may be allowed in nonresidential districts and on the sites occupied by schools and/or religious institutions for up to 30 consecutive days.

L. Storage pods, temporary

Storage pods, crates and similar storage units may be allowed subject to compliance with the following requirements.

1. Storage pods for off-site storage of household or other goods located in a yard are permitted for:

(a) A maximum of 30 days within a six-month period on a single-family lot; seven consecutive days with a six-month period on other residential sites; and

(b) On active construction sites, provided they are removed within 30 days of completion of construction.

2. Storage pods used for the purpose of storing excess inventory to be sold in connection with an established retail business on the same lot.

3. The proposed storage pod location shall not impede pedestrian traffic, or be located within required landscaped areas.

4. Stacking of storage pods is prohibited.

M. Vehicle storage, temporary

Temporary vehicle storage may be allowed in nonresidential districts, subject to special use review pursuant to §6.7.

Proposed:

A. Purpose and intent

There are certain uses that may be permissible on a temporary basis subject to the controls, limitations and regulations of §3.5.6. The following sections provide the procedures and criteria used by the zoning administrator in reviewing temporary uses ~~applications~~.

B. Permitted temporary uses

Unless otherwise specified, No temporary use shall be established, except as provided for in §3.5.6.C, unless a temporary use permit is approved pursuant to the provisions of §6.15. In addition to complying with the approval criteria of §6.15.4, the following uses shall comply with the applicable specific use requirements:

1. Pick-up and drop-off containers and facilities, subject to §3.5.6.~~DE~~;
2. Construction offices, temporary, subject to §3.5.6.~~EF~~;
3. Family health care structure, temporary, subject to §3.5.6.~~FG~~;
- ~~4. Retail sales events, outdoor, temporary subject to §3.5.6.G;~~
- ~~5~~4. Residential sales offices and model homes, temporary, subject to §3.5.6.H;
- ~~6~~5. Residences, temporary, subject to §3.5.6.I;
- ~~7~~6. Special events, temporary, subject to §3.5.6.J;
- ~~8. Seasonal product sales, temporary, subject to §3.5.6.K;~~
- ~~9~~7. Storage pods, temporary, subject to §3.5.6.~~LK~~;
- ~~10~~8. Vehicle storage, temporary, subject to §3.5.6.~~ML~~;
- ~~11~~9. Other uses similar in nature to the ones listed above, with corresponding controls, limitations and regulations, in accordance with the general standards of §3.5.6.~~ED~~.

C. Temporary uses allowed without a permit

1. Unless otherwise specified, permits are not required for the following types of special events provided that such uses are required to meet all applicable general standards in §3.5.6.D:

a. Minor events

Minor events including, but not limited to privately-sponsored gatherings, walk-a-thons, charity fundraisers, and similar events.

i. Duration of less than 12 hours per event;

ii. Daylight hours only; No activity after dark or 9pm whichever comes first;

iii. No loud, disturbing and unnecessary noise as specified in City Code Chapter 38;

iv. No dancing and entertainment activities, as defined;

v. Adequate provisions must be made for on-site parking, available street parking or other arrangements, and safe ingress and egress must be provided;

vi. Signs for minor events shall comply with §4.6.12.G; and

vii. No more than four events per year.

b. Retail sales events and promotions, outdoor

Retail sales events and promotions, outdoor are allowed only in conjunction with an established retail business and on the same lot as said business.

i. Limited to normal hours of operation for the established retail business;

ii. Any display must be brought indoors prior to close of business each day;

iii. No loud, disturbing and unnecessary noise as specified in City Code Chapter 38;

iv. Signs for retail sales events and promotions shall comply with §4.6.12.B provided such sign is only displayed during the event; and

v. No more than three consecutive days, no more than four times per year.

c. Seasonal sales, temporary

Seasonal sales, such as Christmas tree, fireworks and pumpkin sales lots, may be allowed in nonresidential districts and on sites occupied by schools and/or religious institutions.

i. No more than 45 consecutive days;

ii. Signs for seasonal sales, temporary shall comply with §4.6.12.F.

2. A permit for Special events, temporary shall be required for any event not meeting the provisions of §3.5.6.C.1(a) or §3.5.6.C.1(b).

€D. General standards

1. No temporary use shall be permitted unless the applicant demonstrates compliance with these standards to the satisfaction of the zoning administrator. The zoning administrator may impose reasonable conditions on the use to ensure compliance with these standards or other applicable provisions of law.

2. Temporary uses and temporary use permits may be approved for up to one year, unless otherwise specified.

3. Adjacent uses shall be suitably protected from any adverse effects of the use, including noise and glare.

4. The use shall not create hazardous conditions for vehicular or pedestrian traffic, or result in traffic in excess of the capacity of streets serving the use.

5. Adequate refuse management, security, emergency services and similar necessary facilities and services shall be available for the temporary use, and all sanitary facilities shall be approved by the appropriate health agency.

6. The site shall be suitable for the proposed use, considering flood hazard, drainage, soils and other conditions that may constitute a danger to life, health or safety.

7. The use shall not have a substantial adverse impact on the natural environment, including trees, ground cover and vegetation.

8. The use shall be maintained in an orderly manner ~~and all donations shall be contained within the container.~~

ƉE. Pick-up and drop-off containers and facilities

1. Applicability

Temporary use permits for pick-up and drop-off containers and facilities may be approved for up to three years, and the permit may be renewed, in the following locations and circumstances:

(a) In CL, CO, CR, CU, and CG districts on lots containing not less than 40,000 square feet;

(b) In commercial areas of planned districts, when ancillary to the principal use, and only when shown on an approved master development plan;

(c) In residential districts where the principal use of the development is not residential, and only when such containers and facilities are shown on an approved site plan; and

(d) When such container and facilities is specifically identified on approved master development plans.

2. Maximum size and number

A maximum of two donation drop-off boxes shall be permitted on any one lot and shall be located within a contiguous area of not more than 120 square feet, with no individual drop-off box exceeding the dimensions of seven feet in height, six feet in width or six feet in length.

3. Location

(a) Pick-up and drop-off containers and facilities shall be permitted in any yard except the minimum required front or side (street) yard.

(b) Such containers and facilities shall not be located in any required recreation and open space, transitional yard, required landscaped area, on any private street, sidewalk or trail, in any required parking space, or in any location that blocks or interferes with vehicular and/or pedestrian circulation. Donation drop-off boxes shall be located in accordance with all applicable building and fire code regulations for the purpose of ensuring safe ingress and egress, access to utility shut-off valves, and for fire protection. Such containers shall also be subject to the visual clearance provisions of §4.3.4.

4. Design, management and maintenance

(a) Donation drop-off boxes shall be weather-proof, constructed of painted metal, plastic, or other similarly noncombustible material, properly maintained in good repair and in a manner that complies with all applicable building code and fire code regulations, and secured from unauthorized access.

(b) All donated items shall be collected and stored in the donation drop-off box which shall be emptied as needed or within 48 hours of a request by the property owner or authorized agent.

(c) Items and materials including trash shall not be located outside or in proximity to a donation drop-off box for more than 24 hours and shall be removed by the property owner, operator of the donation drop-off box or their authorized agent.

5. Screening

Pick-up and drop-off containers and facilities shall be screened in accordance with the requirements of §4.5.8.E.

6. Signage and information

Donation drop-off boxes shall display the following information in a permanent and legible format that is clearly visible from the front of the container:

(a) Specific items and materials requested;

(b) Name of the operator or owner of the container;

(c) Entity responsible for the maintenance of the container and the removal of donated items, including any abandoned materials and trash located outside the donation drop-off box;

(d) Phone number where the owner, operator or agent of the owner or operator may be reached at any time; and

(e) Notice stating that no items or materials shall be left outside of the donation drop-off box and the statement, "Not for refuse disposal. Liquids are prohibited."

~~EE.~~ Construction offices, temporary

An industrialized building may be used as a temporary office, security shelter, or shelter for materials or tools necessary for construction on or development of the premises upon which the temporary construction office is located. Such use shall be strictly limited to the time construction or development is actively underway.

~~EG.~~ Family health care structure, temporary

A temporary family health care structure shall be allowed in accordance with the requirements of Code of Virginia, § 15.2-2292.1.

~~G.~~ Retail sales events, outdoor

~~Outdoor retail sales events may be permitted only in conjunction with an established business and on the same lot as said business.~~

H. Residential sales offices and model homes, temporary

1. Temporary residential sales offices and model homes may be located within a residential district as part of an ongoing residential development. Such offices and homes shall be removed or converted to a use permitted within the district when use as a sales office or model home has ceased.

2. Model homes for new subdivisions shall only be occupied for residential habitation after all business activities have ceased. Upon sale the home shall comply with applicable residential parking standards.

I. Residence, temporary

No recreational vehicle, trailer, tent, garage, barn or other similar vehicle or building erected on any lot shall be used as a residence for more than 10 days within a six month period, provided that the City Council may approve longer time frames in cases of significant calamity or natural disaster.

J. Special events, temporary

Temporary events, including but not limited to car shows, carnivals, circuses, dog shows, festivals, fairs, fireworks shows, horse shows, tent revivals and similar events, regardless of whether or not admission is charged, may be permitted subject to the following standards:

1. Temporary use permit for such activities shall be issued for not more than 10 days, in any six-month period.
2. No such activity shall be located closer than 300 feet to a residential use, without the approval of city council. This provision shall not apply to public, civic and institutional use-sponsored events, and indoor events.
3. Adequate provisions must be made for parking, and safe ingress and egress must be provided.
4. Night operations shall be permitted only if there is a lighting plan that provides for safe lighting without excessive glare into streets or residential areas.
5. Signs for temporary special events shall comply with §4.6.12.G.

~~K. Seasonal sales, temporary~~

~~Seasonal sales, such as Christmas tree, fireworks and pumpkin sales lots, may be allowed in nonresidential districts and on the sites occupied by schools and/or religious institutions for up to 30 consecutive days.~~

~~L. Storage pods, temporary~~

~~Storage pods, crates and similar storage units may be allowed subject to compliance with the following requirements.~~

1. Storage pods for off-site storage of household or other goods located in a yard are permitted for:
 - (a) A maximum of 30 days within a six-month period on a single-family lot; seven consecutive days within a six-month period on other residential sites; and
 - (b) On active construction sites, provided they are removed within 30 days of completion of construction.
2. Storage pods used for the purpose of storing excess inventory to be sold in connection with an established retail business on the same lot.
3. The proposed storage pod location shall not impede pedestrian traffic, or be located within required landscaped areas.
4. Stacking of storage pods is prohibited.

~~M. Vehicle storage, temporary~~

~~Temporary vehicle storage may be allowed in nonresidential districts, subject to special use review pursuant to §6.7.~~

§3.7.2.B.1 Applicability (page 3-49): Proposed amendment would modify the applicability provisions for the Old Town Fairfax Historic Overlay District to exempt existing single-family detached dwellings from the build-to line requirement (for construction of a home addition, for example).

Current:

Development in the Old Town Fairfax Historic Overlay District shall comply with the requirements of this §3.7.2.B.

Proposed:

Development in the Old Town Fairfax Historic Overlay District shall comply with the requirements of this §3.7.2.B-; except for single-family detached dwellings existing prior to the effective date of this chapter, additions to which shall be exempt from the required build-to line and front and side (street) yard maximum of 3.7.2.B.4(d)(1) and 3.7.2.B.4(d)(2), respectively.

§3.7.2.B.4.D.2 Front and side (street) yard, maximum (page 3-50): Proposed amendment would clarify the provisions for the maximum front and side (street) yard in the Old Town Fairfax Historic Overlay District in a format similar to the other yard requirements of the district and include recreation and open space as one of the yard maximum exemptions.

Current:

Front yard and side (street) yard shall not exceed ten feet for more than 50 percent of the linear frontage of the building, except that areas contiguous with the structure and used for outdoor dining and service, public plazas, gazebos, landscaped areas or courtyards shall be exempt from this requirement. This yard area shall not be used for parking.

Proposed:

~~Front yard and side (street) yard shall not exceed ten feet for more than 50 percent of the linear frontage of the building, except that areas contiguous with the structure and used for outdoor dining and service, public plazas, gazebos, landscaped areas or courtyards shall be exempt from this requirement. This yard area shall not be used for parking.~~

(i) 10 feet

(ii) Areas contiguous with the structure and used for outdoor dining and service, public plazas, gazebos, landscaped areas, recreation and open space, or courtyards shall be exempt from the maximum yard requirement.

(iii) The yard area shall not be used for parking, except bicycle parking.

§3.7.2.E John C. Wood House Historic Overlay District (page 3-55): Proposed amendment would delete reference to the John C. Wood House Historic Overlay District. The overlay district was removed from the zoning map on 9/11/18 as part of a planned development approval.

Current:

E. John C. Wood House Historic Overlay District

1. Prohibited uses

(a) Electric transformers and substations

(b) Telephone repeater stations

Proposed:

~~**E. John C. Wood House Historic Overlay District**~~

~~1. Prohibited uses~~

~~(a) Electric transformers and substations~~

~~(b) Telephone repeater stations~~

§3.7.3.C.3.B Front and side (street) yard, maximum (page 3-56): Proposed amendment would clarify the provisions for the maximum front and side (street) yard in the Old Town Fairfax Transition Overlay District in a

format similar to the other yard requirements of the district and include new yard maximum exemptions that are more consistent with the Old Town Fairfax Historic Overlay District.

Current:

Front yard and street (side) yard shall not exceed ten feet for more than 50 percent of the linear frontage of the building, except that areas contiguous with the structure and used for outdoor dining and service, recreation and open space areas shall be exempt from this requirement. This yard area shall not be used for parking.

Proposed:

~~Front yard and street (side) yard shall not exceed ten feet for more than 50 percent of the linear frontage of the building, except that areas contiguous with the structure and used for outdoor dining and service, recreation and open space areas shall be exempt from this requirement. This yard area shall not be used for parking.~~

(1) 10 feet

(2) Areas contiguous with the structure and used for outdoor dining and service, public plazas, gazebos, landscaped areas, recreation and open space, courtyards, pedestrian plazas and accessways, including sidewalks, or to accommodate the minimum landscape strip for required street trees shall be exempt from the maximum yard requirement.

(3) The yard shall not be used for parking, except bicycle parking.

§3.7.3.D Sidewalk (page 3-56): Proposed amendment would clarify that the required sidewalk in the Old Town Fairfax Transition Overlay District could be provided: on site, in the public right-of-way, or in some combination of the two. The proposed amendment would also add a new section entitled, "Street trees," which would exempt the Old Town Fairfax Transition Overlay District from the minimum landscape strip requirement for street trees (the requirement for street trees themselves would remain).

Current:

Where there is not a 10-foot sidewalk adjacent to a proposed building site, a 10-foot sidewalk or portion thereof as needed to total 10 feet shall be provided on site.

Proposed:

Where there is not a 10-foot sidewalk ~~adjacent to~~ along the front and side (street) property line of a proposed building site, a 10-foot sidewalk or portion thereof as needed to total 10 feet shall be provided ~~on~~ site.

E. Street trees

The minimum landscape strip requirement for street trees in §4.5.6.B shall not apply in the Old Town Fairfax Transition Overlay District.

§3.7.3.E Off-street parking and §3.7.3.F Signs (pages 3-56 and 3-57): Proposed amendment would renumber the sections to §3.7.3.F and §3.7.3.G, respectively, in accordance with the proposed inclusion of a new §3.7.3.E Street trees.

§3.7.4.D Design guidelines and standards (page 3-58): Proposed amendment would remove reference to the Community Appearance Plan which was replaced by the adoption of the City of Fairfax Design Guidelines on 7/24/18.

Current:

1. All development regulated by the Architectural Control Overlay District shall be in accordance with the comprehensive plan, the community appearance plan and other adopted design guidelines.

Proposed:

1. All development regulated by the Architectural Control Overlay District shall be in accordance with the comprehensive plan, the ~~community appearance plan~~ the City of Fairfax Design Guidelines and any other adopted design guidelines.

§3.8.7 Recreation and Open Space Options (page 3-64): Proposed amendment would correct a clerical error.

Current:

MINI-PARK (PRIVATE ONLY)

Mini-Parks provide active recreational facilities for the use by the residents of the immediate neighborhood within the development.

Size is from 2,500 sq. ft. to one acre. May include: tennis courts, basketball courts, playgrounds and seating accommodations. Each mini-park shall be centrally located and easily accessible so that it can be conveniently and safely reached and used by those persons in the surrounding neighborhood it is designed to serve. Rear facing lots are allowed. Mini-parks shall be attractively landscaped and be provided with sufficient natural or man-made screening or transitional yard areas to minimize any negative impacts upon adjacent residences.

Proposed:

MINI-PARK (PRIVATE ONLY)

Mini-Parks provide active recreational facilities for ~~the~~ use by the residents of the immediate neighborhood within the development.

Size is from 2,500 sq. ft. to one acre. May include: tennis courts, basketball courts, playgrounds and seating accommodations. Each mini-park shall be centrally located and easily accessible so that it can be conveniently and safely reached and used by those persons in the surrounding neighborhood it is designed to serve. Rear facing lots are allowed. Mini-parks shall be attractively landscaped and be provided with sufficient natural or man-made screening or transitional yard areas to minimize any negative impacts upon adjacent residences.

Article 4. Site Development Standards

§4.2.3.E Parking ratio requirements (page 4-3 and 4-4): Proposed amendment would revise the use type for Furniture and appliance stores to Furniture, appliance and carpet/flooring stores to be consistent with the proposed amendment to this use type in the principal use table (§3.3.1.B).

Current:

USE TYPES/ USE GROUPS*	GENERAL REQUIREMENTS
COMMERCIAL USES (SEE §3.4.1.F)	
Furniture and appliance stores	1 space per 400 sq. ft. of floor area

Proposed:

USE TYPES/ USE GROUPS*	GENERAL REQUIREMENTS
COMMERCIAL USES (SEE §3.4.1.F)	
Furniture, and appliance or <u>carpet/flooring</u> stores	1 space per 400 sq. ft. of floor area

§4.5.5.C.1 District boundary transitional yards (page 4-14 and 4-15): Proposed amendment would add the RT-6 zoning district and its associated requirements to the list of proposed development districts in the district boundary transitional yards table. It had been inadvertently left off of the list.

Current:

The following table shall be used to determine the required transitional yard classification between adjacent districts.

PROPOSED DEVELOPMENT DISTRICT ▼	RL	RM	RH	RT-6	RT	RMF	CL	CO	CR	CU	CG	IL	IH
RH	--	--	--	--	--	--	--	--	--	--	--	--	--
RT	TY1	TY1	TY1	--	--	--	--	--	--	--	--	--	--

Proposed:

The following table shall be used to determine the required transitional yard classification between adjacent districts.

PROPOSED DEVELOPMENT DISTRICT ▼	RL	RM	RH	RT-6	RT	RMF	CL	CO	CR	CU	CG	IL	IH
RH	--	--	--	--	--	--	--	--	--	--	--	--	--
<u>RT-6</u>	<u>TY1</u>	<u>TY1</u>	<u>TY1</u>	--	--	--	--	--	--	--	--	--	--
RT	TY1	TY1	TY1	--	--	--	--	--	--	--	--	--	--

§4.5.9.B.1 Canopy trees (page 4-24): Proposed amendment would correct inconsistent language referencing a mature height of 20 feet or greater for a canopy tree. The Zoning Ordinance specifies that a tree with a mature height of 10 to 30 feet is an understory tree, not a canopy tree.

Current:

Large deciduous shade trees with a mature height of 30 feet or greater and a mature spread of 30 feet or greater, with a mature height of 20 feet or greater.

Proposed:

Large deciduous shade trees with a mature height of 30 feet or greater and a mature spread of 30 feet or greater, ~~with a mature height of 20 feet or greater.~~

§4.6.4.B.1 Moving signs and devices intended to attract attention (page 4-29): Proposed amendment would delete stick in the ground signs from the type of prohibited signs listed under Moving signs and devices intended to attract attention. Stick in the ground signs are proposed to be included as a type of prohibited Pole (or pylon) signs.

Current:

Moving signs or devices intended to attract attention, all or any part of which is intended to move, including but not limited to pennants, balloons, propellers, discs, flutter and feather flags, inflatables, wavy man advertising, handhelds, and stick in the ground signs; provided, traditional barber pole signs may include the traditional spinning, red/white, internal element.

Proposed:

Moving signs or devices intended to attract attention, all or any part of which is intended to move, including but not limited to pennants, balloons, propellers, discs, flutter and feather flags, inflatables, wavy man advertising, and handhelds, and stick in the ground signs; provided, traditional barber pole signs may include the traditional spinning, red/white, internal element.

§4.6.4.B.3 Pole (or pylon) signs (page 4-29): Proposed amendment would include stick in the ground signs as a prohibited sign type under Pole (or pylon) signs and add a new graphic for that sign type. Stick in the ground signs are proposed to be deleted as a prohibited sign type under Moving signs and devices intended to attract attention. The proposed amendment would also acknowledge that §4.6.12 provides for certain signs to be affixed to the ground on a temporary basis.

Current:

Pole (or pylon) signs

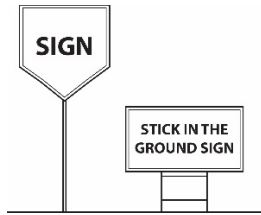
A sign erected on a vertical framework of one or more uprights, supported by the ground; provided, otherwise allowed temporary signs may be pole signs.



Proposed:

Pole (or pylon) and stick in the ground signs

A sign erected on a vertical framework of one or more uprights, supported by the ground; ~~provided, otherwise allowed temporary signs may be pole signs,~~ except as permitted by §4.6.12.



§4.6.4.B.4 Portable signs (page 4-29): Proposed amendment would delete provisions that are redundant to, and more appropriately contained within, §4.6.4.B.6 (prohibited signs on vehicles or trailers).

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 sandwich board signs as permitted by §4.6.11.

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 sandwich board signs as permitted by §4.6.11.

§4.6.4.B.6 Signs on vehicles or trailers (page 4-29): Proposed amendment would delete language that has presented enforcement challenges and include greater clarity as to what does not constitute a violation.

Current:

Signs on vehicles or trailers

Signs painted or displayed on vehicles or trailers conspicuously parked in places visible from public rights-of-way and used primarily for the purpose of advertising. This prohibition does not apply to signs painted or displayed on commercial vehicles which are incidental to the primary use of the vehicle as a delivery, service, or transportation vehicle.

Proposed:

Signs on vehicles ~~or~~ and trailers

Signs attached to, painted on, or displayed on vehicles ~~or~~ and trailers conspicuously parked in places visible from public rights-of-way ~~and used primarily for the purpose of advertising~~. This prohibition does not apply to signs painted or displayed on commercial vehicles which are incidental to parked at the business establishment for which the primary use of the vehicle as a delivery, service, or passenger transportation vehicle.

§4.6.5.A.1 Individual signs (page 4-30): Proposed amendment would correct a clerical error.

Current:

The area of a sign face (which is also the sign area of a wall sign or other sign with only one face) shall be computed by means of the smallest, horizontal rectangle, as shown at right, that will encompass the extreme limits of the writing, representation, emblem or other display, together with any material or color forming an integral part of the background of the display or used to differentiate the sign from the backdrop or structure against which it is placed, but not including any supporting framework, base, bracing or fence or wall when such fence or wall otherwise meets the regulations of this chapter and is clearly incidental to the display itself. Unless the zoning administrator determines that it is not a single sign, all pieces of information or other graphic representations on that wall shall be measured as though part of one sign, encompassed within one such rectangle, which may not exceed the maximum permitted sign area.

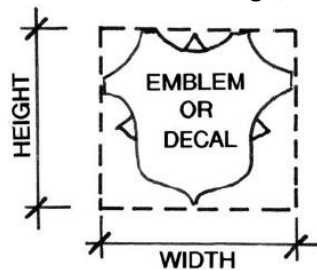
Proposed:

The area of a sign face (which is also the sign area of a wall sign or other sign with only one face) shall be computed by means of the smallest, horizontal rectangle, as shown at right below, that will encompass the extreme limits of the writing, representation, emblem or other display, together with any material or color forming an integral part of the background of the display or used to differentiate the sign from the backdrop or structure against which it is placed, but not including any supporting framework, base, bracing or fence or wall when such fence or wall otherwise meets the regulations of this chapter and is clearly incidental to the display itself. Unless the zoning administrator determines that it is not a single sign, all pieces of information or other graphic representations on that wall shall be measured as though part of one sign, encompassed within one such rectangle, which may not exceed the maximum permitted sign area.

§4.6.5.A.3 Other signs (page 4-31): Proposed amendment would add two window sign measurements to the example graphic.

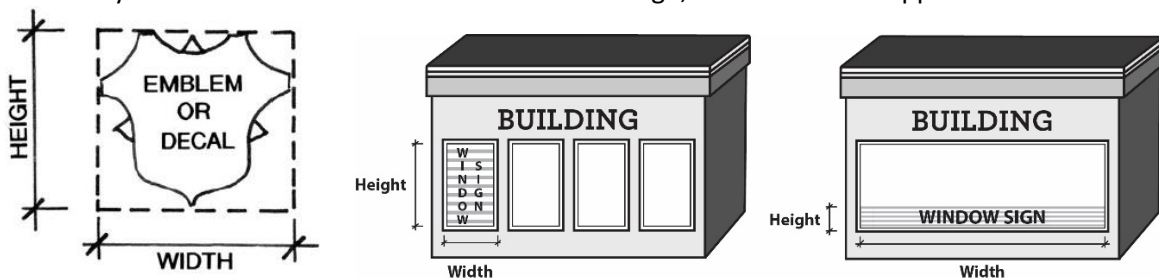
Current:

The area of any other sign is measured by finding the area of the minimum imaginary or actual rectangle or square that fully encloses all extremities of one side of the sign, exclusive of its supports.



Proposed:

The area of any other sign is measured by finding the area of the minimum imaginary or actual rectangle or square that fully encloses all extremities of one side of the sign, exclusive of its supports.



§4.6.6 Maximum aggregate sign area (building-mounted signs) (page 4-33): Proposed amendment would correct a clerical error.

Current:

A. Maximum allowable aggregate sign area for building-mounted signs (awning or canopy sign, hanging signs; projecting signs; and wall signs) or a combination of building-mounted signs per building facade shall be 2.0 square feet per linear foot of building frontage; provided all allowable building-mounted signage related to or attributed to any given facade shall be used only on said facade. See also §1.5.10.A.

Proposed:

A. Maximum allowable aggregate sign area for building-mounted signs (awning or canopy signs, hanging signs; projecting signs; and wall signs) or a combination of building-mounted signs per building facade shall be 2.0 square feet per linear foot of building frontage; provided all allowable building-mounted signage related to or attributed to any given facade shall be used only on said facade. See also §1.5.10.A.

§4.6.8.C General use districts (page 4-34): Proposed amendment would allow Seasonal product sales signs in the residential districts and the Commercial Limited (CL) district. Seasonal product sales operations are allowed in the nonresidential districts and at schools and religious institutions in the residential districts through the Zoning Ordinance’s temporary use provisions. The proposed amendment would also recognize the proposed change in §3.5.6 to allow the Seasonal sales temporary use without a permit.

Current:

SIGN TYPES	RESIDENTIAL DISTRICTS						NONRESIDENTIAL DISTRICTS						STANDARDS	
	RL	RM	RH	RT-6	RT	RMF	CL	CO	CR	CU	CG	IL		IH
TEMPORARY SIGNS														
Seasonal product sales								P	P	P	P	P	P	§4.6.12.F

Proposed:

SIGN TYPES	RESIDENTIAL DISTRICTS						NONRESIDENTIAL DISTRICTS						STANDARDS	
	RL	RM	RH	RT-6	RT	RMF	CL	CO	CR	CU	CG	IL		IH
TEMPORARY SIGNS														
Seasonal product sales	A	A	A	A	A	A	A	AP	AP	AP	AP	AP	AP	§4.6.12.F

§4.6.11.F.5 Location (page 4-41): Proposed amendment would correct a clerical error.

Current:

(a) Hardship signs may be attached to a accessory building or structure, other than a pylon.

Proposed:

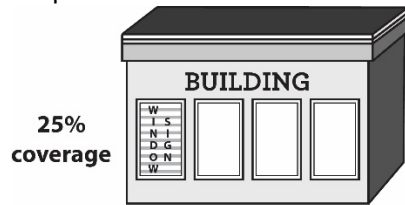
(a) Hardship signs may be attached to an accessory building or structure, other than a pylon.

§4.6.11.I Window signs (page 4-42): Proposed amendment would replace the current graphic with two new graphics to more clearly depict the permitted sign area of window signs.

Current:



Proposed:



§4.6.12.B Announcement or promotional signs (page 4-43 and 4-44): Proposed amendment would add windows as a permitted location for announcement or promotional signs. Window signs had been a type of building-mounted sign under the previous Zoning Ordinance, but were reclassified as a special sign in the current ordinance.

Current:

4. Location

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

Proposed:

4. Location

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

§4.6.12.F Seasonal product sales signs (page 4-45): Proposed amendment would increase the permitted sign area to be consistent with the permitted sign area for other temporary signs in nonresidential districts as well with the permitted sign area for freestanding signs associated with schools and religious institutions (which is where seasonal product sales may occur in residential districts). The proposed amendment would also remove the provisions regarding the number of signs, allowing the area provision to regulate the amount of signage.

Current:

1. Description

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

2. Area

Not to exceed 20 square feet.

3. Number

A maximum of one sign shall be allowed per use.

4. Location

Located must not impede pedestrian flow.

5. Height

Not to exceed five feet in height.

6. Duration

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

Proposed:

1. Description

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

2. Area

Not to exceed ~~20~~32 square feet.

~~3. Number~~

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

~~4~~3. Location

Located must not impede pedestrian flow.

~~5~~4. Height

Not to exceed five feet in height.

~~6~~5. Duration

Such signs shall have the same duration as the associated temporary use ~~permit issued for the stand~~.

§4.6.12.G Special event signs (pages 4-45 and 4-46): Proposed amendment would clarify that the provisions for special events signs are applicable to Special events, temporary and Minor events as provided for in the Zoning Ordinance's temporary use standards. The proposed amendment would also add windows as a permitted location for special event signs. Window signs had been a type of building-mounted sign under the previous Zoning Ordinance, but were reclassified as a special sign in the current ordinance.

Current:

1. Description

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

2. Area

Not to exceed 32 square feet.

3. Location

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

4. Duration

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

Proposed:

1. Description

On-premises signs advertising special events sponsored or co-sponsored by the city, community group or any other nonprofit organization, or other entities allowed to conduct events under §3.5.6.C.1(a) and §3.5.6.J, including banners.

2. Area

Not to exceed 32 square feet.

3. Location

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

4. Duration

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

§4.8.2.A Prohibited lighting (page 4-50): Proposed amendment would add strobe lights and blinking lights (with an exception for temporary holiday lighting displayed for a period not exceeding 45 consecutive days) to the list of prohibited lighting.

Current:

A. The following are expressly prohibited:

1. Lasers;
2. Low-pressure sodium and mercury vapor light sources;
3. Searchlights and other high-intensity narrow-beam fixtures; and
4. Light sources that exceed 200,000 lumens or intensity in any direction of 2,000,000 candelas or more.

Proposed:

A. The following are expressly prohibited:

1. Lasers;
2. Low-pressure sodium and mercury vapor light sources;
3. Searchlights and other high-intensity narrow-beam fixtures; ~~and~~
4. Light sources that exceed 200,000 lumens or intensity in any direction of 2,000,000 candelas or more; ~~and~~
5. Strobe lights and blinking lights, excluding temporary holiday lighting as provided for in §4.8.3.

§4.8.3 Exempt lighting (page 4-50): Proposed amendment would clarify that lighting with 1,000 or less initial lumen output is exempt from the lighting requirements.

Current:

H. Luminaires with less than 1,000 initial lumen output.

Proposed:

H. Luminaires with ~~less than~~ 1,000 or less initial lumen output.

§4.10.2 Outdoor display (page 4-53): Proposed amendment would specify that outdoor display is associated with an established business at the same location and the display is required to be brought indoors when the business is closed.

Current:

A. Outdoor display is the display of products actively available for sale. Outdoor displays are normally brought indoors overnight.

Proposed:

A. Outdoor display is the display of products actively available for sale. Outdoor displays are ~~normally brought indoors overnight~~ only permitted in conjunction with an established business on the same lot and must be brought indoors when the associated business is closed.

§4.15.11 Subdivision standards (page 4-70): Proposed amendment would correct clerical error.

Current:

- A. All subdivisions shall minimize flood damage;
- B. All subdivisions proposals shall have public utilities and facilities such as sewer, gas, electrical and water systems located and constructed to minimize flood damage;
- C. All subdivisions shall have adequate drainage provided to reduce exposure to flood hazards, and
- D. Base flood elevation data shall be obtained from other sources or developed using detailed methodologies, hydraulic and hydrologic analysis, comparable to those contained in a Flood Insurance Study for subdivision proposals and other proposed development proposals (including subdivisions) that exceed 50 lots or five acres, whichever is the lesser.

Proposed:

- A. All subdivisions shall minimize flood damage;
- B. All subdivisions proposals shall have public utilities and facilities such as sewer, gas, electrical and water systems located and constructed to minimize flood damage;
- C. All subdivisions shall have adequate drainage provided to reduce exposure to flood hazards; ~~z~~ and
- D. Base flood elevation data shall be obtained from other sources or developed using detailed methodologies, hydraulic and hydrologic analysis, comparable to those contained in a Flood Insurance Study for subdivision proposals and other proposed development proposals (including subdivisions) that exceed 50 lots or five acres, whichever is the lesser.

§4.15.13 Special exceptions (page 4-71): Proposed amendment would correct an incorrect reference.

Current:

- A. The board of zoning appeals may, by special exception, permit within the floodplain additional uses where such uses are not permitted uses specified in §4.15.6, provided that:
 1. Such additional use is permitted in the underlying zoning district;

2. Special exceptions shall be granted only in accordance with the procedures and limitations established for special use permits in §6.7; and
3. The special exception granted represents the minimum variation necessary to afford relief.

Proposed:

A. The board of zoning appeals may, by special exception, permit within the floodplain additional uses where such uses are not permitted uses specified in §4.15.6Z, provided that:

1. Such additional use is permitted in the underlying zoning district;
2. Special exceptions shall be granted only in accordance with the procedures and limitations established for special use permits in §6.7; and
3. The special exception granted represents the minimum variation necessary to afford relief.

Article 6. Development Review

§6.5.7.A General (page 6-18): Proposed amendment would remove reference to the Community Appearance Plan which was replaced by the adoption of the City of Fairfax Design Guidelines on 7/24/18.

Current:

1. Certificate of appropriateness applications shall be reviewed for consistency with the applicable provisions of this chapter, any adopted design guidelines, and the community appearance plan.

Proposed:

1. Certificate of appropriateness applications shall be reviewed for consistency with the applicable provisions of this chapter, the City of Fairfax Design Guidelines, and any other adopted design guidelines, ~~and the community appearance plan.~~

§6.9.1 Applicability (page 6-33): Proposed amendment would add language to clarify that a sign associated with a temporary use that doesn't require a temporary use permit would also not require a temporary sign permit.

Current:

- B. No monument, building-mounted, special 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.

Proposed:

- B. No monument, building-mounted, special 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, provided that signs permitted in conjunction with §3.5.6.C shall be allowed without a permit.

§6.15.1. Applicability (page 6-44): Proposed amendment would acknowledge in the permitting section those temporary uses specified in the use standards (§3.5.6) as to not requiring a permit.

Current:

- A. Temporary use permits shall be reviewed in accordance with the provisions of §6.15.

B. Temporary uses, including those operating for fewer than 30 days within a one-year time period, shall obtain a temporary use permit from the zoning administrator that outlines conditions of operations so as to protect the public, health, safety and welfare subject to the standards of §3.5.6, Temporary Use Standards.

Proposed:

A. Temporary use permits shall be reviewed in accordance with the provisions of §6.15.

B. Temporary uses, including those operating for fewer than 30 days within a one-year time period, shall obtain a temporary use permit from the zoning administrator that outlines conditions of operations so as to protect the public, health, safety and welfare subject to the standards of §3.5.6, Temporary Use Standards.

C. This shall not be interpreted as to require a temporary use permit where the event, promotion, or sale otherwise conforms to the requirements of §3.5.6.C.

§6.16.1 Applicability (page 6-46): Proposed amendment would clarify that administrative adjustments shall not be used to provide relief in excess of or in lieu of the ordinance's nonconforming provisions. The ordinance's nonconforming provisions are intended to provide relief for nonconformities. An administrative adjustment may be requested where the item being requested is currently conforming.

Current:

A. Administrative adjustments shall be reviewed in accordance with the provisions of §6.16.

B. Unless otherwise specified, the zoning administrator may authorize adjustment of the numerical standards of this chapter by up to 20 percent of the applicable standard; provided, the provisions of §6.16 shall not apply to density, floodplain regulations, stormwater drainage facilities, erosion and sediment control, Chesapeake Bay preservation standards, or construction standards.

Proposed:

A. Administrative adjustments shall be reviewed in accordance with the provisions of §6.16.

B. Unless otherwise specified, the zoning administrator may authorize adjustment of the numerical standards of this chapter by up to 20 percent of the applicable standard; provided, the provisions of §6.16 shall not apply to density, floodplain regulations, stormwater drainage facilities, erosion and sediment control, Chesapeake Bay preservation standards, or construction standards.

C. An administrative adjustment shall not be applied in addition to or in lieu of the nonconforming provisions of Article 7 of this chapter.

§6.22.1 Applicability (page 6-59): Proposed amendment would provide for the standard 30 day appeal period to City Council and delete provisions pertaining to an appeal of the Board of Architectural Review as they are contradictory to and already provided for in §6.5.13.A.

Current:

A. Appeals to the city council shall be reviewed in accordance with the provisions of §6.22.

B. A notice of appeal to the city council may only be submitted on or before 14 days after a final decision of the board of architectural review on a certificate of appropriateness (§6.5).

Proposed:

A. Appeals to the city council: A notice of appeal shall be submitted within 30 days of the final decision, which is subject of the appeal, and reviewed in accordance with the provisions of §6.22.

~~B. A notice of appeal to the city council may only be submitted on or before 14 days after a final decision of the board of architectural review on a certificate of appropriateness (§6.5).~~

§6.23 Appeals to court (page 6-60): Proposed amendment would clarify that the board of zoning appeals may be appealed to the circuit court, as is provided for in the provisions for which the board of zoning appeals renders decisions.

Current:

An appeal from any action, decision, ruling, judgment or order of the city council made under this chapter may be taken by any person or persons, jointly or severally aggrieved, or any taxpayer or any officer, department, board or bureau of the city to the circuit court in accordance with applicable law.

Proposed:

An appeal from any action, decision, ruling, judgment or order of the city council or board of zoning appeals made under this chapter may be taken by any person or persons, jointly or severally aggrieved, or any taxpayer or any officer, department, board or bureau of the city to the circuit court in accordance with applicable law.

Article 8. Enforcement and Penalties

§8.3.7 Criminal penalties (page 8-3): Proposed amendment would modify the provisions associated with fines for criminal violations in accordance with changes made to the Code of Virginia by the General Assembly during the 2018 session.

Current:

A. Any violation of the following provisions, or any provision of proffers accepted pursuant thereto shall be deemed a misdemeanor and, upon conviction, shall be fined not less than \$10 nor more than \$1,000 for each offense:

1. §3.7.2, Historic overlay districts;
2. §4.6, Signs, only as applied to signs placed in the right of way or on public property;
3. §4.15, Floodplains;
4. §4.16, Storm drainage facilities;
5. §4.18, Chesapeake Bay preservation; and
6. §6.8, Site plan review.

B. Failure to remove or abate a zoning violation within the time period established by the court shall constitute a separate misdemeanor offense punishable by a fine of not less than \$10 nor more than \$1,000; and

C. Continued failure during each succeeding 10-day period shall constitute a separate misdemeanor offense for each 10-day period punishable by a fine of not less than \$100 nor more than \$1,500.

D. The remedy provided for in this §8.3 shall be in addition to any other remedies provided by law; however, the designation of a particular violation of this chapter as a civil penalty shall preclude criminal prosecution or sanctions, except for any infraction also resulting in injury or death to any person or persons.

Proposed:

A. Any violation of the following provisions, or any provision of proffers accepted pursuant thereto shall be deemed a misdemeanor and, upon conviction, shall be fined not ~~less than \$100~~ nor more than \$1,000 for each offense:

1. §3.7.2, Historic overlay districts;
2. §4.6, Signs, only as applied to signs placed in the right of way or on public property;
3. §4.15, Floodplains;
4. §4.16, Storm drainage facilities;
5. §4.18, Chesapeake Bay preservation; and
6. §6.8, Site plan review.

B. Failure to remove or abate a zoning violation within the time period established by the court shall constitute a separate misdemeanor offense punishable by a fine of not ~~less than \$100~~ nor more than \$1,000; and

C. Failure to remove or abate a zoning violation during a succeeding 10-day period shall constitute a separate misdemeanor offense punishable by a fine of not more than \$1,500; and

~~CD.~~ Continued failure during ~~each~~any succeeding 10-day period shall constitute a separate misdemeanor offense for each 10-day period punishable by a fine of not ~~less than \$100~~ nor more than ~~\$1,500~~2,000.

~~DE.~~ The remedy provided for in this §8.3 shall be in addition to any other remedies provided by law; however, the designation of a particular violation of this chapter as a civil penalty shall preclude criminal prosecution or sanctions, except for any infraction also resulting in injury or death to any person or persons.

Article 9. Definitions

§9.3.1 General terms (page 9-7): Proposed amendment would add carpet and flooring coverings to the definition and clarify that mattress are included with furniture. In conjunction with this amendment, carpet and floor coverings would be deleted from the Retail, general use group and added to the furniture and appliance stores use type.

Current:

FURNITURE OR APPLIANCE STORE: An establishment engaged in the retail sale of furniture and appliances.

Proposed:

FURNITURE, ~~OR APPLIANCE~~ OR CARPET/FLOORING STORE: An establishment engaged in the retail sale of furniture (including mattresses), and appliances, or carpeting/floor coverings.

§9.3.1 General terms (page 9-13): Proposed amendment would delete the current definition for recreation and open space and provide reference to the section of the ordinance (§3.8.7) that provides a detailed description of recreation and open space.

Current:

RECREATION AND OPEN SPACE: All space within the boundaries of a project that has been set aside for use by the owners and residents of the project and not dedicated as public lands. (See also

Proposed:

RECREATION AND OPEN SPACE: ~~All space within the boundaries of a project that has been set aside for use by the owners and residents of the project and not dedicated as public lands. (See also~~ See §3.8.7.

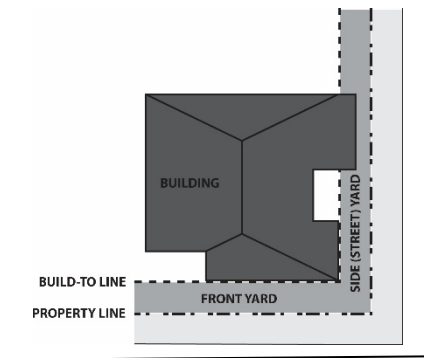
ORDINANCE NO. 2019-_____

AN ORDINANCE AMENDING CHAPTER 110 (ZONING) TO AMEND PORTIONS OF ARTICLES AND SECTIONS CONTAINED THEREIN, INCLUDING INTRODUCTORY PROVISIONS, 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, §1.5.4, of the Code of the City of Fairfax, Virginia, is hereby amended as follows:

§1.5.4. Build-to line

Build-to lines ~~refers to~~ are either the front and side (street) property lines or lines parallel to the front and side (street) property lines as specified to provide the maximum yard allowed to which a minimum percentage of the building façade along the front yard and side (street) yard, if any, must be built.



BE IT FURTHER ORDAINED, by the City Council of the City of Fairfax, Virginia, that Chapter 110, Article 1, §1.5.10, of the Code of the City of Fairfax, Virginia, is hereby amended as follows:

§1.5.10. Frontage

A. Building frontage

....

2. Building frontage is measured in a straight line from one end of the wall most nearly parallel to and adjacent to the street, to required parking (§4.2) or recreation and open space (§3.7.58.7) to the other end of the same wall facing the street, required parking

1 or recreation and open space. Neither articulations nor offsets in the wall shall
 2 increase the length of the building frontage.
 3

4 **BE IT FURTHER ORDAINED, by the City Council of the City of Fairfax, Virginia,**
 5 **that Chapter 110, Article 1, §1.6.6, of the Code of the City of Fairfax, Virginia, is hereby**
 6 **amended as follows:**

7 §1.6.6. District conversion

8 The zoning district names in effect prior to the effective date of this chapter are amended as shown
 9 below.

Previous Designation	New Designation
OVERLAY DISTRICTS	
--	John C Wood House Historic Overlay
--	John C Wood House Historic Overlay

16 **BE IT FURTHER ORDAINED, by the City Council of the City of Fairfax, Virginia,**
 17 **that Chapter 110, Article 3, §3.2.2, of the Code of the City of Fairfax, Virginia, is hereby**
 18 **amended as follows:**

19 §3.2.2. Overlay districts

20

21 A. Historic overlay districts

22

23

24

25 ~~4. John C. Wood House Historic Overlay District~~

26 ~~There is hereby created a historic overlay district to be known as the John C. Wood~~

27 ~~House Historic Overlay District, the boundaries of which are to be set forth on the~~

28 ~~city's official zoning map.~~

29

30

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

1 §3.3.1. Principal use table

2

3 B. Principal uses

4 The following table lists the principal uses permitted by this chapter for general use
 5 districts. For overlay districts, see §3.7; for planned development districts, see §3.8; for
 6 accessory uses, see §3.5.5; for temporary uses, see §3.5.6; and for large format retail, see
 7 §4.9.
 8

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)																
.... Furniture, and-appliance or carpet/flooring stores												P	P	P	P	
.... Manufacturing, heavy*															S	§3.5.4.C
.... Manufacturing, limited*													P	P		§3.5.4.D
....																

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

18 §3.4.1. Use interpretation

19

20
 21 F. Commercial use groups

22
 23

24
 25 6. Restaurants or food services

26 An establishment engaged in the preparation and retail sale of food and/or beverages
 27 for on or off-premise consumption to persons not residing on the premise and where
 28 the design or principal method of operation consists of one or more of the following:

29
 30

- 31
 32 (c) Restaurant, specialty: an establishment primarily engaged in the retail sale of a
 33 limited variety of baked goods, candy, coffee, ice cream or other specialty food
 34 items, which may be prepared for on-premises sale and which may be consumed

on the site, but excluding any service to a customer in an motor vehicle. Typical uses include retail bakeries, coffee shops, doughnut shops, and ice cream shops.

....

7. Retail, general

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

8. Services, general

A facility involved in providing general or repair services. General services shall include the following: animal grooming; photocopy; sign-making; security service; taxidermy; or any similar use. General services shall also include the following repair services: bicycles; canvas products; clocks; computers; musical instruments; office equipment; radios; televisions; furniture or any similar use. General services shall also include an upholsterer or locksmith. General services does not include any adult use.

....

G. Industrial use groups

....

3. Manufacturing, limited

A facility conducting light industrial and manufacturing operations within a fully enclosed building, generally serviced by trucks no longer than 24 feet in length. Limited manufacturing shall include the following: building contractors; building maintenance service; bulk mailing service; clothing or textile manufacturing; exterminator; laundry or dry cleaning plant; medical or dental laboratory; photo-finishing laboratory; printing, publishing, and lithography; production of artwork and toys; ~~sign-making fabrication~~; lawn mower repair; movie production facility; photo-finishing laboratory; welding, machine, tool repair shop or studio; or any similar use.

....

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:

1 §3.5.4. Industrial use standards

2 A. Fuel sales, residential

3 Residential fuel sales facilities shall have on-site storage capacity of no greater than
4 49,000 gallons.

5 B. Manufacturing, general

6 All outdoor activities and storage associated with general manufacturing shall be
7 screened from view off site in accordance with the requirements of §4.5.8 and §4.10.

8 C. Manufacturing, heavy

9 All outdoor activities and storage associated with heavy manufacturing uses shall be
10 screened from view off site in accordance with the requirements of §4.5.8 and §4.10.

11 D. Manufacturing, limited

12 All outdoor ~~activities and~~ storage associated with ~~heavy~~limited manufacturing uses shall
13 be screened from view off site in accordance with the requirements of §4.5.8 and §4.10.

14 E. Vehicle storage and towing

15 1. Outdoor storage areas shall be screened in accordance with the requirements of
16 §4.5.8.

17 2. A transitional yard TY~~34~~ in accordance with §4.5.5 shall be established along any
18 side of the property adjacent to a residential use.

19 3. Outdoor storage areas may be surfaced with gravel or other material approved by the
20 zoning administrator.

21 F. Waste service

22 1. A transitional yard TY~~34~~ in accordance with §4.5.5 shall be established along any
23 side of the property adjacent to a residential use.

24 2. All waste service uses shall be screened from view off-site in accordance with the
25 requirements of §4.5.8.

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

29 §3.5.5. Accessory use standards

30

31
32 D. Accessory use standards

33 1. Accessory dwelling units

34 Accessory dwelling units, as is defined in §9.3.1, shall comply with the following
35 standards:

36
37

38
39 (b) ~~a~~Accessory dwelling units shall be located within the structure of a single-family
40 dwelling unit; and any added external entrances for the accessory dwelling unit
41 shall be located on the side or rear of the structure.
42

1

2 **BE IT FURTHER ORDAINED, by the City Council of the City of Fairfax, Virginia,**
 3 **that Chapter 110, Article 3, §3.5.6, of the Code of the City of Fairfax, Virginia, is hereby**
 4 **amended as follows:**

5 §3.5.6. Temporary Use Standards

6
 7 A. Purpose and intent

8 There are certain uses that may be permissible on a temporary basis subject to the
 9 controls, limitations and regulations of §3.5.6. The following sections provide the
 10 procedures and criteria used by the zoning administrator in reviewing temporary uses
 11 applications.

12 B. Permitted temporary uses

13 Unless otherwise specified, No temporary use shall be established, except as provided
 14 for in §3.5.6.C, unless a temporary use permit is approved pursuant to the provisions of
 15 §6.15. In addition to complying with the approval criteria of §6.15.4, the following uses
 16 shall comply with the applicable specific use requirements:

- 17 1. Pick-up and drop-off containers and facilities, subject to §3.5.6.DE;
- 18 2. Construction offices, temporary, subject to §3.5.6.EF;
- 19 3. Family health care structure, temporary, subject to §3.5.6.FG;
- 20 4. ~~Retail sales events, outdoor, temporary subject to §3.5.6.G;~~
- 21 5. Residential sales offices and model homes, temporary, subject to §3.5.6.H;
- 22 6. Residences, temporary, subject to §3.5.6.I;
- 23 7. Special events, temporary, subject to §3.5.6.J;
- 24 8. ~~Seasonal product sales, temporary, subject to §3.5.6.K;~~
- 25 9. Storage pods, temporary, subject to §3.5.6.LK;
- 26 10. Vehicle storage, temporary, subject to §3.5.6.ML;
- 27 11. Other uses similar in nature to the ones listed above, with corresponding controls,
 28 limitations and regulations, in accordance with the general standards of §3.5.6.ED.

29 C. Temporary uses allowed without a permit

- 30 1. Unless otherwise specified, permits are not required for the following types of special
 31 events provided that such uses are required to meet all applicable general standards in
 32 §3.5.6.D:

33 (a) Minor events

34 Minor events including, but not limited to privately-sponsored gatherings, walk-a-
 35 thons, charity fundraisers, and similar events.

36 (1) Duration of less than 12 hours per event;

37 (2) Daylight hours only; No activity after dark or 9pm whichever comes first;

38 (3) No loud, disturbing and unnecessary noise as specified in City Code Chapter
 39 38;

40 (4) No dancing and entertainment activities, as defined;

41 (5) Adequate provisions must be made for on-site parking, available street
 42 parking or other arrangements, and safe ingress and egress must be provided;

43 (6) Signs for minor events shall comply with §4.6.12.G; and

44 (7) No more than four events per year.

(b) Retail sales events and promotions, outdoor

Retail sales events and promotions, outdoor are allowed only in conjunction with an established retail business and on the same lot as said business.

(1) Limited to normal hours of operation for the established retail business;

(2) Any display must be brought indoors prior to close of business each day;

(3) No loud, disturbing and unnecessary noise as specified in City Code Chapter 38;

(4) Signs for retail sales events and promotions shall comply with §4.6.12.B provided such sign is only displayed during the event; and

(5) No more than three consecutive days, no more than four times per year.

(c) Seasonal sales, temporary

Seasonal sales, such as Christmas tree, fireworks and pumpkin sales lots, may be allowed in nonresidential districts and on sites occupied by schools and/or religious institutions.

(1) No more than 45 consecutive days;

(2) Signs for seasonal sales, temporary shall comply with §4.6.12.F.

2. A permit for Special events, temporary shall be required for any event not meeting the provisions of §3.5.6.C.1(a) or §3.5.6.C.1(b).

€D. General standards

1. No temporary use shall be permitted unless the applicant demonstrates compliance with these standards to the satisfaction of the zoning administrator. The zoning administrator may impose reasonable conditions on the use to ensure compliance with these standards or other applicable provisions of law.
2. Temporary uses and temporary use permits may be approved for up to one year, unless otherwise specified.
3. Adjacent uses shall be suitably protected from any adverse effects of the use, including noise and glare.
4. The use shall not create hazardous conditions for vehicular or pedestrian traffic, or result in traffic in excess of the capacity of streets serving the use.
5. Adequate refuse management, security, emergency services and similar necessary facilities and services shall be available for the temporary use, and all sanitary facilities shall be approved by the appropriate health agency.
6. The site shall be suitable for the proposed use, considering flood hazard, drainage, soils and other conditions that may constitute a danger to life, health or safety.
7. The use shall not have a substantial adverse impact on the natural environment, including trees, ground cover and vegetation.
8. The use shall be maintained in an orderly manner ~~and all donations shall be contained within the container.~~

ÐE. Pick-up and drop-off containers and facilities

1. Applicability

Temporary use permits for pick-up and drop-off containers and facilities may be approved for up to three years, and the permit may be renewed, in the following locations and circumstances:

- (a) In CL, CO, CR, CU, and CG districts on lots containing not less than 40,000 square feet;

- 1 (b) In commercial areas of planned districts, when ancillary to the principal use, and
 2 only when shown on an approved master development plan;
- 3 (c) In residential districts where the principal use of the development is not
 4 residential, and only when such containers and facilities are shown on an
 5 approved site plan; and
- 6 (d) When such container and facilities is specifically identified on approved master
 7 development plans.
- 8 2. Maximum size and number
 9 A maximum of two donation drop-off boxes shall be permitted on any one lot and
 10 shall be located within a contiguous area of not more than 120 square feet, with no
 11 individual drop-off box exceeding the dimensions of seven feet in height, six feet in
 12 width or six feet in length.
- 13 3. Location
 14 (a) Pick-up and drop-off containers and facilities shall be permitted in any yard
 15 except the minimum required front or side (street) yard.
- 16 (b) Such containers and facilities shall not be located in any required recreation and
 17 open space, transitional yard, required landscaped area, on any private street,
 18 sidewalk or trail, in any required parking space, or in any location that blocks or
 19 interferes with vehicular and/or pedestrian circulation. Donation drop-off boxes
 20 shall be located in accordance with all applicable building and fire code
 21 regulations for the purpose of ensuring safe ingress and egress, access to utility
 22 shut-off valves, and for fire protection. Such containers shall also be subject to the
 23 visual clearance provisions of §4.3.4.
- 24 4. Design, management and maintenance
 25 (a) Donation drop-off boxes shall be weather-proof, constructed of painted metal,
 26 plastic, or other similarly noncombustible material, properly maintained in good
 27 repair and in a manner that complies with all applicable building code and fire
 28 code regulations, and secured from unauthorized access.
- 29 (b) All donated items shall be collected and stored in the donation drop-off box which
 30 shall be emptied as needed or within 48 hours of a request by the property owner
 31 or authorized agent.
- 32 (c) Items and materials including trash shall not be located outside or in proximity to
 33 a donation drop-off box for more than 24 hours and shall be removed by the
 34 property owner, operator of the donation drop-off box or their authorized agent.
- 35 5. Screening
 36 Pick-up and drop-off containers and facilities shall be screened in accordance with the
 37 requirements of §4.5.8.E.
- 38 6. Signage and information
 39 Donation drop-off boxes shall display the following information in a permanent and
 40 legible format that is clearly visible from the front of the container:
- 41 (a) Specific items and materials requested;
- 42 (b) Name of the operator or owner of the container;
- 43 (c) Entity responsible for the maintenance of the container and the removal of
 44 donated items, including any abandoned materials and trash located outside the
 45 donation drop-off box;

1 (d) Phone number where the owner, operator or agent of the owner or operator may
2 be reached at any time; and

3 (e) Notice stating that no items or materials shall be left outside of the donation drop-
4 off box and the statement, "Not for refuse disposal. Liquids are prohibited."

5 ~~EF.~~ Construction offices, temporary

6 An industrialized building may be used as a temporary office, security shelter, or shelter
7 for materials or tools necessary for construction on or development of the premises upon
8 which the temporary construction office is located. Such use shall be strictly limited to
9 the time construction or development is actively underway.

10 ~~FG.~~ Family health care structure, temporary

11 A temporary family health care structure shall be allowed in accordance with the
12 requirements of Code of Virginia, § 15.2-2292.1.

13 ~~G.~~ Retail sales events, outdoor

14 ~~Outdoor retail sales events may be permitted only in conjunction with an established~~
15 ~~business and on the same lot as said business.~~

16 H. Residential sales offices and model homes, temporary

17 1. Temporary residential sales offices and model homes may be located within a
18 residential district as part of an ongoing residential development. Such offices and
19 homes shall be removed or converted to a use permitted within the district when use
20 as a sales office or model home has ceased.

21 2. Model homes for new subdivisions shall only be occupied for residential habitation
22 after all business activities have ceased. Upon sale the home shall comply with
23 applicable residential parking standards.

24 I. Residence, temporary

25 No recreational vehicle, trailer, tent, garage, barn or other similar vehicle or building
26 erected on any lot shall be used as a residence for more than 10 days within a six month
27 period, provided that the City Council may approve longer time frames in cases of
28 significant calamity or natural disaster.

29 J. Special events, temporary

30 Temporary events, including but not limited to car shows, carnivals, circuses, dog shows,
31 festivals, fairs, fireworks shows, horse shows, tent revivals and similar events, regardless
32 of whether or not admission is charged, may be permitted subject to the following
33 standards:

34 1. Temporary use permit for such activities shall be issued for not more than 10 days, in
35 any six-month period.

36 2. No such activity shall be located closer than 300 feet to a residential use, without the
37 approval of city council. This provision shall not apply to public, civic and
38 institutional use-sponsored events, and indoor events.

39 3. Adequate provisions must be made for parking, and safe ingress and egress must be
40 provided.

41 4. Night operations shall be permitted only if there is a lighting plan that provides for
42 safe lighting without excessive glare into streets or residential areas.

43 5. Signs for temporary special events shall comply with §4.6.12.G.

44 ~~K.~~ Seasonal sales, temporary

~~Seasonal sales, such as Christmas tree, fireworks and pumpkin sales lots, may be allowed in nonresidential districts and on the sites occupied by schools and/or religious institutions for up to 30 consecutive days.~~

LK. Storage pods, temporary

Storage pods, crates and similar storage units may be allowed subject to compliance with the following requirements.

1. Storage pods for off-site storage of household or other goods located in a yard are permitted for:
 - (a) A maximum of 30 days within a six-month period on a single-family lot; seven consecutive days within a six-month period on other residential sites; and
 - (b) On active construction sites, provided they are removed within 30 days of completion of construction.
2. Storage pods used for the purpose of storing excess inventory to be sold in connection with an established retail business on the same lot.
3. The proposed storage pod location shall not impede pedestrian traffic, or be located within required landscaped areas.
4. Stacking of storage pods is prohibited.

ML. Vehicle storage, temporary

Temporary vehicle storage may be allowed in nonresidential districts, subject to special use review pursuant to §6.7.

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

§3.7.2. Historic overlay district

....

B. Old Town Fairfax Historic Overlay District

1. Applicability

Development in the Old Town Fairfax Historic Overlay District shall comply with the requirements of this §3.7.2.B.; except for single-family detached dwellings existing prior to the effective date of this chapter, additions to which shall be exempt from the required build-to line and front and side (street) yard maximum of 3.7.2.B.4(d)(1) and 3.7.2.B.4(d)(2), respectively.

....

4. Dimensional standards

....

(d) Required yards (setbacks)

....

1
2 (2) Front and side (street) yard, maximum

3 Front yard and side (street) yard shall not exceed ten feet for more than 50
4 percent of the linear frontage of the building, except that areas contiguous
5 with the structure and used for outdoor dining and service, public plazas,
6 gazebos, landscaped areas or courtyards shall be exempt from this
7 requirement. This yard area shall not be used for parking.

8 (i) 10 feet

9 (ii) Areas contiguous with the structure and used for outdoor dining and
10 service, public plazas, gazebos, landscaped areas, recreation and open space,
11 or courtyards shall be exempt from the maximum yard requirement.

12 (iii) The yard area shall not be used for parking, except bicycle parking.
13

14

15
16 ~~E. John C. Wood House Historic Overlay District~~

17 ~~1. Prohibited uses~~

18 ~~(a) Electric transformers and substations~~

19 ~~(b) Telephone repeater stations~~

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

23
24 §3.7.3. Old Town Fairfax Transition Overlay District

25
26

27
28 C. Dimensional standards

29
30

31
32 3. Required yards (setbacks)

33
34

35
36 (b) Front and side (street) yard, maximum

37 Front yard and street (side) yard shall not exceed ten feet for more than 50 percent
38 of the linear frontage of the building, except that areas contiguous with the
39 structure and used for outdoor dining and service, recreation and open space areas
40 shall be exempt from this requirement. This yard area shall not be used for
41 parking.

42 (1) 10 feet

43 (2) Areas contiguous with the structure and used for outdoor dining and service,
44 public plazas, gazebos, landscaped areas, recreation and open space,
45 courtyards, pedestrian plazas and accessways, including sidewalks, or to

1 accommodate the minimum landscape strip for required street trees shall be
2 exempt from the maximum yard requirement.

3 (3) The yard shall not be used for parking, except bicycle parking.
4

5
6

7 D. Sidewalk

8 Where there is not a 10-foot sidewalk ~~adjacent to~~along the front and side (street) property
9 line of a proposed building site, a 10-foot sidewalk or portion thereof as needed to total
10 10 feet shall be provided ~~on-site~~.

11
12 E. Street trees

13 The minimum landscape strip requirement for street trees in §4.5.6.B shall not apply in
14 the Old Town Fairfax Transition Overlay District.
15

16 ~~EF.~~ Off-street parking
17

18
19

20 ~~FG.~~ Signs
21

22
23

24 **BE IT FURTHER ORDAINED, by the City Council of the City of Fairfax, Virginia,**
25 **that Chapter 110, Article 3, §3.7.4, of the Code of the City of Fairfax, Virginia, is hereby**
26 **amended as follows:**
27

28 §3.7.4. Architectural control overlay district
29

30
31

32 D. Design guidelines and standards

33 1. All development regulated by the Architectural Control Overlay District shall be in
34 accordance with the comprehensive plan, the ~~community appearance plan~~the City of
35 Fairfax Design Guidelines and any other adopted design guidelines.
36

37
38

39 **BE IT FURTHER ORDAINED, by the City Council of the City of Fairfax, Virginia,**
40 **that Chapter 110, Article 3, §3.8.7, of the Code of the City of Fairfax, Virginia, is hereby**
41 **amended as follows:**
42

1 §3.8.7. Recreation and Open Space

2
3

4
5 B. Configuration and use

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7

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9 4. At least 60 percent of the required recreation and open space shall be contiguous. For
10 the purposes of §3.8.7, the term contiguous shall include any recreation and open
11 space bisected by a local street, provided that:

12
13

14
15 (h) At least 20 percent of the recreation and open space shall be improved in
16 accordance with the options set forth below. The shape, topography and subsoil
17 shall be appropriate to the improvements proposed.

18
19

20
21 MINI-PARK (PRIVATE ONLY)

22 Mini-Parks provide active recreational facilities for ~~the~~ use by the residents of the
23 immediate neighborhood within the development.

24
25 Size is from 2,500 sq. ft. to one acre. May include: tennis courts, basketball
26 courts, playgrounds and seating accommodations. Each mini-park shall be
27 centrally located and easily accessible so that it can be conveniently and safely
28 reached and used by those persons in the surrounding neighborhood it is designed
29 to serve. Rear facing lots are allowed. Mini-parks shall be attractively landscaped
30 and be provided with sufficient natural or man-made screening or transitional
31 yard areas to minimize any negative impacts upon adjacent residences.

32
33

34
35 **BE IT FURTHER ORDAINED, by the City Council of the City of Fairfax, Virginia,**
36 **that Chapter 110, Article 4, §4.2.3, of the Code of the City of Fairfax, Virginia, is hereby**
37 **amended as follows:**

38
39 §4.2.3. Parking requirements

40
41

42
43 E. Parking ratio requirements

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

USE TYPES/ USE GROUPS*	GENERAL REQUIREMENTS
....	
COMMERCIAL USES (SEE §3.4.1.F)	
....	
Furniture, and appliance or carpet/flooring stores	1 space per 400 sq. ft. of floor area
....	

BE IT FURTHER ORDAINED, by the City Council of the City of Fairfax, Virginia, that Chapter 110, Article 4, §4.5.5, of the Code of the City of Fairfax, Virginia, is hereby amended as follows:

§4.5.5. Transitional yards

....

C. Transitional yard types

There are three types of required transitional yards that may occur on any given parcel (for the specific width and plant material for each transitional yard classification see §4.5.5.D).

1. District boundary transitional yards

The following table shall be used to determine the required transitional yard classification between adjacent districts.

PROPOSED DEVELOPMENT DISTRICT ▼	RL	RM	RH	RT-6	RT	RMF	CL	CO	CR	CU	CG	IL	IH
....													
RH	--	--	--	--	--	--	--	--	--	--	--	--	--
RT-6	TY1	TY1	TY1	--	--	--	--	--	--	--	--	--	--
RT	TY1	TY1	TY1	--	--	--	--	--	--	--	--	--	--
....													

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

§4.5.9. Landscape materials and design

....

B. Plant types

There are three plant types referred to in this section, and all shall require the use of locally-adapted plants. They include canopy trees, understory trees and shrubs, defined as follows:

1. Canopy trees

1 Large deciduous shade trees with a mature height of 30 feet or greater and a mature
2 spread of 30 feet or greater, ~~with a mature height of 20 feet or greater.~~

3
4

5 **Council of the City of Fairfax, Virginia, that Chapter 110, Article 4, §4.6.4, of the**
6 **Code of the City of Fairfax, Virginia, is hereby amended as follows:**

7
8 §4.6.4. Prohibited signs

9
10

11
12 B. Prohibited sign types

13 The following sign types are specifically prohibited.

14 1. Moving signs and devices intended to attract attention

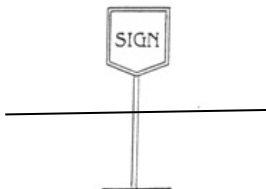
15 Moving signs or devices intended to attract attention, all or any part of which is
16 intended to move, including but not limited to pennants, balloons, propellers, discs,
17 flutter and feather flags, inflatables, wavy man advertising, and handhelds, ~~and stick~~
18 ~~in the ground signs~~; provided, traditional barber pole signs may include the traditional
19 spinning, red/white, internal element.



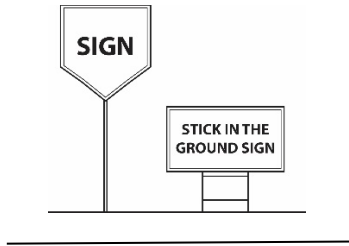
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24
25 3. Pole (or pylon) and stick in the ground signs

26 A sign erected on a vertical framework of one or more uprights, supported by the
27 ground; ~~provided, otherwise allowed temporary signs may be pole signs,~~ except as
28 permitted by §4.6.12.



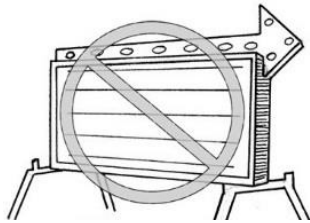
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4. Portable signs

Any sign not permanently attached to the ground or other permanent structure or a sign designed to be transported, including, but not limited to, signs designed to be transported by means of wheels; ~~and signs attached to or painted on vehicles parked and visible from the public right-of-way, unless said vehicle is used in the normal day-to-day operations of the business, except for sandwich board signs as permitted by §4.6.11.~~



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....

6. Signs on vehicles ~~or~~ trailers

Signs attached to, painted on, or displayed on vehicles ~~or~~ trailers conspicuously parked in places visible from public rights-of-way ~~and used primarily for the purpose of advertising.~~ This prohibition does not apply to signs painted or displayed on commercial vehicles which are incidental to parked at the business establishment for which the primary use of the vehicle as a delivery, service, or passenger transportation vehicle.

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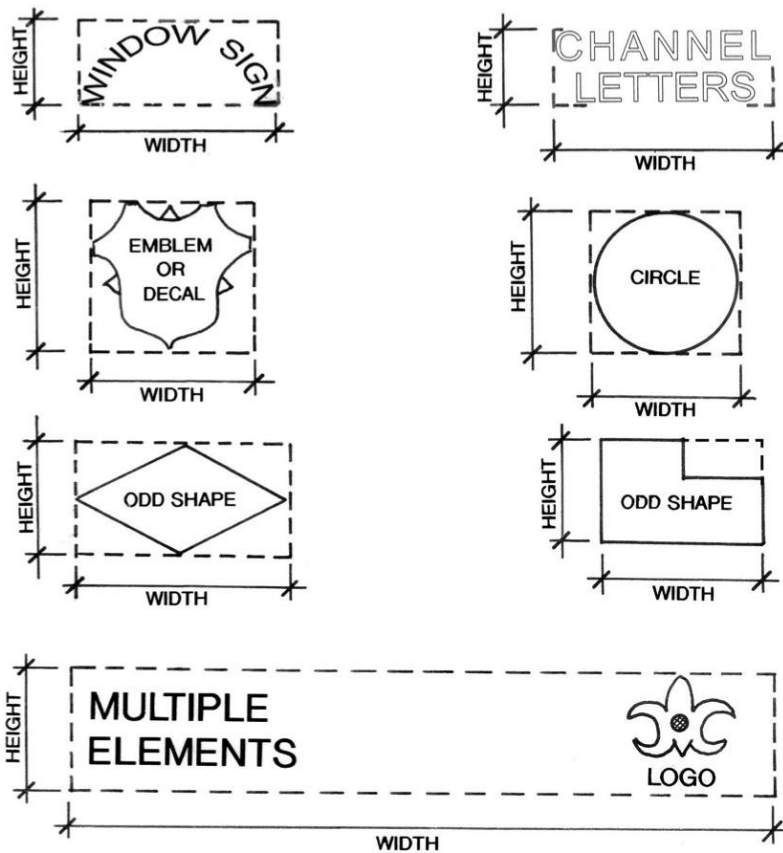
1 **BE IT FURTHER ORDAINED, by the City Council of the City of Fairfax, Virginia,**
 2 **that Chapter 110, Article 4, §4.6.5, of the Code of the City of Fairfax, Virginia, is hereby**
 3 **amended as follows:**

4
 5 §4.6.5. General sign regulations

6 A. Computation of sign area

7 1. Individual signs

8 The area of a sign face (which is also the sign area of a wall sign or other sign with
 9 only one face) shall be computed by means of the smallest, horizontal rectangle, as
 10 shown ~~at right~~ below, that will encompass the extreme limits of the writing,
 11 representation, emblem or other display, together with any material or color forming
 12 an integral part of the background of the display or used to differentiate the sign from
 13 the backdrop or structure against which it is placed, but not including any supporting
 14 framework, base, bracing or fence or wall when such fence or wall otherwise meets
 15 the regulations of this chapter and is clearly incidental to the display itself. Unless the
 16 zoning administrator determines that it is not a single sign, all pieces of information
 17 or other graphic representations on that wall shall be measured as though part of one
 18 sign, encompassed within one such rectangle, which may not exceed the maximum
 19 permitted sign area.
 20

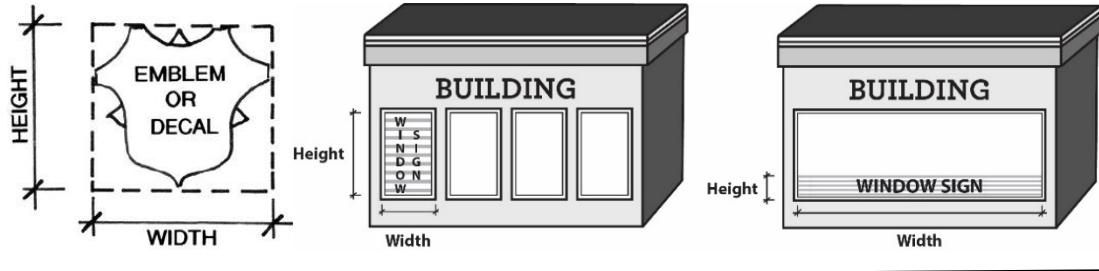


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 22
 23

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3. Other signs

The area of any other sign is measured by finding the area of the minimum imaginary or actual rectangle or square that fully encloses all extremities of one side of the sign, exclusive of its supports.



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....

9 **BE IT FURTHER ORDAINED, by the City Council of the City of Fairfax, Virginia,**
10 **that Chapter 110, Article 4, §4.6.6, of the Code of the City of Fairfax, Virginia, is hereby**
11 **amended as follows:**

12 §4.6.6. Maximum aggregate sign area (building-mounted signs)

13 A. Maximum allowable aggregate sign area for building-mounted signs (awning or canopy
14 signs, hanging signs; projecting signs; and wall signs) or a combination of building-
15 mounted signs per building facade shall be 2.0 square feet per linear foot of building
16 frontage; provided all allowable building-mounted signage related to or attributed to any
17 given facade shall be used only on said facade. See also §1.5.10.A.

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....

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
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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

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SIGN TYPES	RESIDENTIAL DISTRICTS						NONRESIDENTIAL DISTRICTS						STANDARDS	
	RL	RM	RH	RT-6	RT	RMF	CL	CO	CR	CU	CG	IL		IH
TEMPORARY SIGNS														
Seasonal product sales	A	A	A	A	A	A	A	AP	AP	AP	AP	AP	AP	§4.6.12.F

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

11 §4.6.11. Special signs

12

13
 14 F. Hardship signs

15
 16

17
 18 5. Location

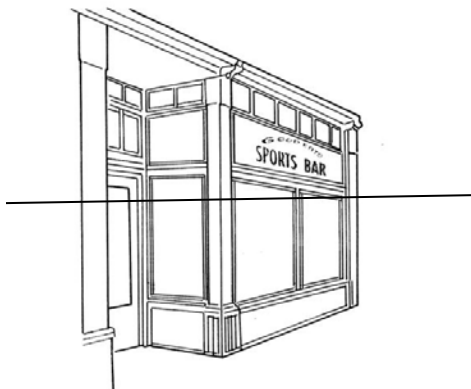
19 (a) Hardship signs may be attached to an accessory building or structure, other than a
 20 pylon.

21
 22

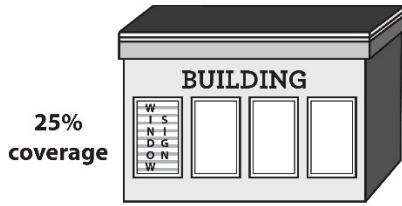
23
 24 I. Window signs

25
 26

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

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§4.6.12. Temporary signs

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....

8

B. Announcement or promotional signs

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....

11

4. Location

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

13

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....

17

18

F. Seasonal product sales signs

19

1. Description

20

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

21

22

2. Area

23

Not to exceed ~~2032~~ square feet.

24

~~3. Number~~

25

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

26

43. Location

27

Located must not impede pedestrian flow.

- 1 54. Height
- 2 Not to exceed five feet in height.
- 3 65. Duration
- 4 Such signs shall have the same duration as the associated temporary use ~~permit issued~~
- 5 ~~for the stand.~~

7 G. Special event signs

- 8 1. Description
- 9 On-premises signs advertising special events sponsored or co-sponsored by the city,
- 10 community group or any other nonprofit organization, or other entities allowed to
- 11 conduct events under §3.5.6.C.1(a) and §3.5.6.J, including banners.
- 12 2. Area
- 13 Not to exceed 32 square feet.
- 14 3. Location
- 15 Such signs shall be located where permanent building-mounted or window signs may
- 16 be located or on the subject land at least 10 feet from all property lines where no
- 17 building exists.
- 18 4. Duration
- 19 Permitted for a maximum of 30 days per event, and up to 90 days per year.

20 **BE IT FURTHER ORDAINED, by the City Council of the City of Fairfax, Virginia,**
 21 **that Chapter 110, Article 4, §4.8.2, of the Code of the City of Fairfax, Virginia, is hereby**
 22 **amended as follows:**

23 §4.8.2. Prohibited lighting

- 24 A. The following are expressly prohibited:
- 25 1. Lasers;
- 26 2. Low-pressure sodium and mercury vapor light sources;
- 27 3. Searchlights and other high-intensity narrow-beam fixtures; ~~and~~
- 28 4. Light sources that exceed 200,000 lumens or intensity in any direction of 2,000,000
- 29 candelas or more; and
- 30 5. Strobe lights and blinking lights, excluding temporary holiday lighting as provided for
- 31 in §4.8.3.
- 32
- 33

34 **BE IT FURTHER ORDAINED, by the City Council of the City of Fairfax, Virginia,**
 35 **that Chapter 110, Article 4, §4.8.3, of the Code of the City of Fairfax, Virginia, is hereby**
 36 **amended as follows:**

37 §4.8.3. Exempt lighting

38 The following luminaires and lighting systems are exempt from the regulations of this
 39 article:

1

2 H. Luminaires with ~~less than~~ 1,000 or less initial lumen output.

3 **BE IT FURTHER ORDAINED, by the City Council of the City of Fairfax, Virginia,**
 4 **that Chapter 110, Article 4, §4.10.2, of the Code of the City of Fairfax, Virginia, is hereby**
 5 **amended as follows:**

6 §4.10.2. Outdoor display

7 A. Outdoor display is the display of products actively available for sale. Outdoor displays
 8 are ~~normally brought indoors overnight~~ only permitted in conjunction with an established
 9 business on the same lot and must be brought indoors when the associated business is
 10 closed.

11
 12

13 **BE IT FURTHER ORDAINED, by the City Council of the City of Fairfax, Virginia,**
 14 **that Chapter 110, Article 4, §4.15.11, of the Code of the City of Fairfax, Virginia, is hereby**
 15 **amended as follows:**

16 §4.15.11. Subdivision standards

17 A. All subdivisions shall minimize flood damage;
 18 B. All subdivisions proposals shall have public utilities and facilities such as sewer, gas,
 19 electrical and water systems located and constructed to minimize flood damage;
 20 C. All subdivisions shall have adequate drainage provided to reduce exposure to flood
 21 hazards; and
 22 D. Base flood elevation data shall be obtained from other sources or developed using
 23 detailed methodologies, hydraulic and hydrologic analysis, comparable to those
 24 contained in a Flood Insurance Study for subdivision proposals and other proposed
 25 development proposals (including subdivisions) that exceed 50 lots or five acres,
 26 whichever is the lesser.

27 **BE IT FURTHER ORDAINED, by the City Council of the City of Fairfax, Virginia,**
 28 **that Chapter 110, Article 4, §4.15.13, of the Code of the City of Fairfax, Virginia, is hereby**
 29 **amended as follows:**

30 §4.15.13. Special exceptions

31 A. The board of zoning appeals may, by special exception, permit within the floodplain
 32 additional uses where such uses are not permitted uses specified in §4.15.67, provided
 33 that:
 34 1. Such additional use is permitted in the underlying zoning district;
 35 2. Special exceptions shall be granted only in accordance with the procedures and
 36 limitations established for special use permits in §6.7; and

1 3. The special exception granted represents the minimum variation necessary to afford
2 relief.

3
4
5

6 **BE IT FURTHER ORDAINED, by the City Council of the City of Fairfax, Virginia,**
7 **that Chapter 110, Article 6, §6.5.7, of the Code of the City of Fairfax, Virginia, is hereby**
8 **amended as follows:**

9 §6.5.7. Approval criteria

10 A. General

11 1. Certificate of appropriateness applications shall be reviewed for consistency with the
12 applicable provisions of this chapter, the City of Fairfax Design Guidelines,
13 and any other adopted design guidelines, and the community appearance plan.

14
15

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

19 §6.9.1. Applicability

20

21
22 B. No monument, building-mounted, special or temporary (as applicable) sign shall be
23 erected or replaced, or changed or altered, including replacing any part of the support
24 structure of a sign and change/ alteration to the background of a sign or sign box, until the
25 zoning administrator has approved a permit, provided that signs permitted in conjunction
26 with §3.5.6.C shall be allowed without a permit.

27

28 **BE IT FURTHER ORDAINED, by the City Council of the City of Fairfax, Virginia,**
29 **that Chapter 110, Article 6, §6.15.1, of the Code of the City of Fairfax, Virginia, is hereby**
30 **amended as follows:**

31 §6.15.1. Applicability

32 A. Temporary use permits shall be reviewed in accordance with the provisions of §6.15.

33 B. Temporary uses, including those operating for fewer than 30 days within a one-year time
34 period, shall obtain a temporary use permit from the zoning administrator that outlines

1 conditions of operations so as to protect the public, health, safety and welfare subject to the
2 standards of §3.5.6, Temporary Use Standards.

3 C. This shall not be interpreted as to require a temporary use permit where the event,
4 promotion, or sale otherwise conforms to the requirements of §3.5.6.C.

5 **BE IT FURTHER ORDAINED, by the City Council of the City of Fairfax, Virginia,**
6 **that Chapter 110, Article 6, §6.16.1, of the Code of the City of Fairfax, Virginia, is hereby**
7 **amended as follows:**

8 §6.16.1. Applicability

9 A. Administrative adjustments shall be reviewed in accordance with the provisions of §6.16.

10 B. Unless otherwise specified, the zoning administrator may authorize adjustment of the
11 numerical standards of this chapter by up to 20 percent of the applicable standard;
12 provided, the provisions of §6.16 shall not apply to density, floodplain regulations,
13 stormwater drainage facilities, erosion and sediment control, Chesapeake Bay
14 preservation standards, or construction standards.

15 C. An administrative adjustment shall not be applied in addition to or in lieu of the
16 nonconforming provisions of Article 7 of this chapter.

17 **BE IT FURTHER ORDAINED, by the City Council of the City of Fairfax, Virginia,**
18 **that Chapter 110, Article 6, §6.22.1, of the Code of the City of Fairfax, Virginia, is hereby**
19 **amended as follows:**

20 §6.22.1. Applicability

21 ~~A. Appeals to the city council~~ A notice of appeal shall be submitted within 30 days of the
22 final decision, which is subject of the appeal, and reviewed in accordance with the
23 provisions of §6.22.

24 ~~B. A notice of appeal to the city council may only be submitted on or before 14 days after a~~
25 ~~final decision of the board of architectural review on a certificate of appropriateness~~
26 ~~(§6.5).~~

27 **BE IT FURTHER ORDAINED, by the City Council of the City of Fairfax, Virginia,**
28 **that Chapter 110, Article 6, §6.23, of the Code of the City of Fairfax, Virginia, is hereby**
29 **amended as follows:**

30 §6.23. Appeals to court

31 An appeal from any action, decision, ruling, judgment or order of the city council or board of
32 zoning appeals made under this chapter may be taken by any person or persons, jointly or
33 severally aggrieved, or any taxpayer or any officer, department, board or bureau of the city to
34 the circuit court in accordance with applicable law.

1 **BE IT FURTHER ORDAINED, by the City Council of the City of Fairfax, Virginia,**
2 **that Chapter 110, Article 8, §8.3.7, of the Code of the City of Fairfax, Virginia, is hereby**
3 **amended as follows:**

4 §8.3.7. Criminal penalties

5 A. Any violation of the following provisions, or any provision of proffers accepted pursuant
6 thereto shall be deemed a misdemeanor and, upon conviction, shall be fined not ~~less than~~
7 ~~\$10 nor~~ more than \$1,000 for each offense:

- 8 1. §3.7.2, Historic overlay districts;
- 9 2. §4.6, Signs, only as applied to signs placed in the right of way or on public property;
- 10 3. §4.15, Floodplains;
- 11 4. §4.16, Storm drainage facilities;
- 12 5. §4.18, Chesapeake Bay preservation; and
- 13 6. §6.8, Site plan review.

14 B. Failure to remove or abate a zoning violation within the time period established by the
15 court shall constitute a separate misdemeanor offense punishable by a fine of not ~~less~~
16 ~~than \$10 nor~~ more than \$1,000; and

17 C. Failure to remove or abate a zoning violation during a succeeding 10-day period shall
18 constitute a separate misdemeanor offense punishable by a fine of not more than \$1,500;
19 and

20 ED. Continued failure during ~~each~~ any succeeding 10-day period shall constitute a separate
21 misdemeanor offense for each 10-day period punishable by a fine of not ~~less than \$100~~
22 ~~nor~~ more than \$1,500 2,000.

23 DE. The remedy provided for in this §8.3 shall be in addition to any other remedies provided
24 by law; however, the designation of a particular violation of this chapter as a civil penalty
25 shall preclude criminal prosecution or sanctions, except for any infraction also resulting
26 in injury or death to any person or persons.

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

30 §9.3.1. General terms

31

32
33 FURNITURE, OR APPLIANCE OR CARPET/FLOORING STORE: An establishment
34 engaged in the retail sale of furniture (including mattresses), and appliances, or
35 carpeting/floor coverings.

36

1 RECREATION AND OPEN SPACE: ~~All space within the boundaries of a project that has~~
2 ~~been set aside for use by the owners and residents of the project and not dedicated as public~~
3 ~~lands. (See also See §3.8.7.~~

4

5 This ordinance shall become effective upon adoption.

6
7 PLANNING COMMISSION PUBLIC HEARING: _____

8 CITY COUNCIL PUBLIC HEARING: _____

9 ENACTED: _____

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Mayor

Date: _____

ATTEST:

City Clerk

Vote

Councilmember DeMarco _____

Councilmember Lim _____

Councilmember Miller _____

Councilmember Passey _____

Councilmember Stehle _____

Councilmember Yi _____

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 DISTRICTS AND REGULATIONS, SITE DEVELOPMENT STANDARDS, DEVELOPMENT REVIEW PROCEDURES, ENFORCEMENT AND PENALTIES, AND DEFINITIONS.”