

**ORDINANCE NO. 2021-09**

**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 AND DEFINITIONS.**

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

**§1.5.12. Required yards (setbacks)**

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**E. Permitted encroachments**

PERMITTED REQUIRED YARD ENCROACHMENTS				
OBSTRUCTION/PROJECTION INTO REQUIRED YARD (SETBACKS)	FRONT	SIDE (STREET)	SIDE (INTERIOR)	REAR
<b><u>Structures</u></b>				
Accessory structures and buildings ( <u>detached garages, play structures, gazebos, etc. as detailed in §3.5.5</u> ) up to 12 feet in height, provided such structure or building shall be behind the front and side (street) building line and at least 5 feet from any side (interior) or rear lot line			■	■
Carports may not project more than 3 feet into any required side (interior) or rear yard			■	■
Sheds and similar one-story storage structures accessory to residential uses other than multifamily and not exceeding 80 square feet in area, and not exceeding 8 feet 6 inches in height, <del>and with foundation, if any, not exceeding four inches thick</del> may be located in any part of any side (interior) or rear yard behind the rear wall of the principal dwelling			■	■
<b><u>Architectural/Building Features</u></b>				
ADA facilities constructed for access to existing buildings may extend a distance as needed into any required yard	■	■	■	■
Basement egress windows	■	■	■	■
Bay windows, eaves, chimneys, <del>porches, stoops,</del> covered entryways, awnings, canopies, balconies, decks ( <del>covered or uncovered</del> ) <del>raised above ground level,</del> and similar features of a principal dwelling may not project more than 3 feet into any required yard	■	■	■	■
<del>Patios, and terraces, or decks, unroofed and completely unenclosed, with its floor no higher than that of the ground floor entry of the principal dwelling other than multifamily provided that the floor is not more than 18 inches above ground level, may extend into any required side or rear yard, but not nearer than shall be at least 5 feet to from any side (interior) or rear lot line</del>		-■-	■	■
Porches, covered accessory to residential uses other than multifamily may extend a distance of not more than 10 feet into the required front yard, <u>provided that the encroachment may not contain permanent screens or partitions.</u>	■			
Sills, cornices and similar ornamental features may project not exceeding 18 inches beyond any required setback <del>or building line,</del> except as otherwise provided herein	■	■	■	■
<del>Sidewalks and steps</del> Steps or walkways used to ascend and descend a porch, stoop, entryway, balcony or deck provided that to the extent practicable, they extend along rather than across the required side (interior) yard	■	■	■	■
<del>Terraces, uncovered porches and ornamental features accessory</del>		-■-	-■-	-■-

to residential uses other than multifamily, provided, these projections shall be at least 5 feet from any lot line				
<b>Yard Items</b>				
Fences and walls in accordance with §4.7	■	■	■	■
Landscaping in accordance with §4.5	■	■	■	■
Mechanical equipment, such as HVAC units and generators, provided it remains at least 2 feet from the lot line and as long as the equipment is in compliance with the noise requirements of §4.14.4			■	■
Signs in accordance with §4.6	■	■		
Statues, mailboxes, basketball standards or flagpoles accessory to residential uses other than multifamily may encroach into required yards. Sharing boxes may encroach into required yards, provided that no more than one such box is permitted per residential property and that none shall be greater than five cubic feet in size	■	■	■	■
Above-ground tanks for liquids, gasses or similar contents, accessory to residential uses, provided that all such items remain at least 2 feet from the side (interior) and rear lot line			■	■
<b>Driveways</b>				
Driveways may encroach into required yards, provided that to the extent practicable, they extend across rather than along the required yard(s)	■	■	■	■
Driveways for RL, RM and RH district uses may be located within side (interior) yards provided a minimum setback of 5 feet is maintained to the extent practicable			■	

F. Exceptions

1. Front and side (street), required

(a) General

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

DISTRICT	MINIMUM DISTANCE OF BUILDING LINE FROM ESTABLISHED RIGHT-OF-WAY CENTERLINE	
	FRONT	SIDE (STREET)
RL	65	55
RM	50	45
RH	45	40
CL	45	45
CO	45	45
CR	45	45
CG	45	45

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

§1.6.6. District conversion

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

Previous Designation		New Designation	
<b>RESIDENTIAL DISTRICTS</b>			
R-1	Residential	RL	Residential Low
R-2	Residential	RM	Residential Medium
R-3	Residential	RH	Residential High
R-T6 or RT6	Townhouse	RT-6	Residential Townhouse
R-T	Townhouse	RT	Residential Townhouse
RM	Multifamily	RMF	Residential Multifamily

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**BE IT FURTHER ORDAINED, by the City Council of the City of Fairfax, Virginia, that Chapter 110, Article 3, §3.2.1, of the Code of the City of Fairfax, Virginia, is hereby amended as follows:**

§3.2.1. General districts

The general districts established and described below are arranged in a hierarchy from the most restrictive to the least restrictive.

A. Residential districts

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6. RMF, Residential Multifamily District

The RMF, Residential Multifamily District is established to provide areas for multifamily residences.

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

§3.3.1. Principal use table

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B. Principal uses

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

USE TYPES/USE GROUPS*	RESIDENTIAL						NONRESIDENTIAL						SPECIFIC USE STANDARDS
	R L	R M	R H	RT -6	R T	R MF	C L	C O	C R	C U	C G	I L	
P = PERMITTED / S = SPECIAL USE (§6.7) / * = GROUP OF USES (§3.4.1)													

PUBLIC, CIVIC AND INSTITUTIONAL USES														
Parks and open areas*	S	S	S	S	S	S	S	S	P	P	P	P	P	P

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

§3.4.1. Use Interpretation

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E. Public, civic and institutional use groups

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3. Parks and open areas

Uses with a principally public purpose focusing on natural areas consisting mostly of open vegetation, passive or active outdoor recreation areas, or community gardens, and having few structures. Parks and open areas shall include the following: golf courses; clubhouses and grounds; swimming pools, public and community; tot lots and playgrounds; mini-parks; plazas; squares; greens; neighborhood parks; botanical gardens; nature preserves and ~~recreation trails~~; pedestrian facilities; multi-use trails or any similar use.

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G. Industrial use groups

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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 fabrication; lawn mower repair; movie production facility; ~~photo-finishing laboratory~~; welding, machine, tool repair shop or studio; or any similar use.

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

§3.5.2. Public, civic and institutional use standards

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B. Day care centers

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~~4. Signs~~

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

....

~~G. Religious institutions~~

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

~~H G. Schools, elementary, middle or high~~

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~~4. Signs~~

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

I H. Social service delivery

4. Signs

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

§ 4. Neighborhood impact mitigation

Social service delivery establishments shall be responsible for the mitigation of adverse impacts on the surrounding neighborhood and uses by:

- (a) Preventing loitering on the site during non-operational hours; and
- (b) Maintaining the site free of litter.

J I. Telecommunications facilities

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4. Location and construction

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- (e) No advertising of any type may be placed on the telecommunications facility, or other structures associated with the telecommunications facility, except that ~~a sign~~ information shall be required displaying the name, registration number and emergency contact number of the tower owner. The sign information shall not exceed four square feet in size and shall be located on the security fence or other approved location.

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

§3.5.3. Commercial use standards

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D. Bed and breakfasts

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5. Signs

~~Bed and breakfasts may be allowed one four square foot monument, projecting or hanging sign per street frontage, subject to the following requirements:~~

- ~~(a) Ground-mounted signs shall be a maximum of six feet high.~~
- ~~(b) Projecting or hanging signs shall be a maximum of 10 feet high.~~
- ~~(c) Sign illumination shall be by external light only.~~

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F. Restaurants or food services

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- 2. See drive-through windows/facilities provisions of ~~§3.5.5.D.9.~~ §3.5.5.D.10.

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



§3.5.5. Accessory use standards

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C. Accessory use table

USE TYPES/USE GROUPS	RESIDENTIAL DISTRICTS						NONRESIDENTIAL DISTRICTS						SPECIFIC USE STANDARDS
	R L	R M	R H	RT -6	R T	R MF	C L	C O	C R	C U	C G	I L	
Drive-through windows/facilities							S	S	S	S	S	S	§3.5.5.D.9 §3.5.5.D.10
Garage sales	P	P	P	P	P	P							
Home occupations, major	S	S	S	S	S	S							§3.5.5.D.12
Home occupations, minor	P	P	P	P	P	P							§3.5.5.D.12
Home occupations, major	S	S	S	S	S	S							§3.5.5.D.12

...  
D. Accessory use standards

12. Home occupations

(d) Major home occupations

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

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

§3.5.6. Temporary Use Standards

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, garage sales and similar events.

(6) Signs for minor events shall comply with ~~§4.6.12.G~~ §4.6.3.P; and

(b) Retail sales events and promotions, outdoor

(4) Signs for retail sales events and promotions shall comply with ~~§4.6.12.B~~ §4.6.3.L ~~provided such sign is only displayed during the event;~~ and

(c) Seasonal sales, temporary

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(2) Signs for seasonal sales, temporary shall comply with ~~§4.6.12.F~~ §4.6.3.O.

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

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6. ~~Signage and~~ Required information

~~Donation~~ No advertising of any type may be placed on donation drop-off boxes, however each box 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/beneficiary of the container;

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K. 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.~~
  - (a) On active construction sites with an active building permit in all districts, provided they are removed within 30 days of completion of construction; and
  - (b) A On single-family lots, for a maximum of 30 days within a six-month period on a single-family lot; on other residential sites, for seven consecutive days within a six-month period; on other residential sites or, for projects not requiring a building permit, as determined by the zoning administrator; and

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J. Special events, temporary

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

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**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**

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B. Old Town Fairfax Historic Overlay District

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8. Signs

(a) Applicability

All signs otherwise allowed in the underlying general use district (§4.6.8) shall be subject to the approval of a certificate of appropriateness in accordance with the provisions of §6.5; provided, however, changes to text only, ~~temporary other signs (§4.6.12)~~, or signs allowed without a permit (§4.6.3), excluding ~~§4.6.3.D, §4.6.3.E~~ and §4.6.3.G, shall not be subject to such approval. Changes

to the font color and size are subject to approval of a certificate of appropriateness.

(b) General

- (1) Signs on buildings shall be designed and constructed as an integral part of the building facade in terms of design and placement.
- (2) Signs shall be compatible with and relate to the design elements of a building including proportion, scale, materials, color and details. Signs shall not obscure, depreciate, or compete with a building's significant architectural features.

(c) Lettering size

Lettering on signs shall not exceed 12 inches in height, unless otherwise approved by the board of architectural review, at which time the maximum height considered would be 14 inches.

(d) Illumination

Illumination of signs shall be external only. This provision shall not be applied to ~~“open” signs~~ informational signs (i.e., “open/closed,” etc.) otherwise allowed by §4.6.3.C.

~~(e) Moving signs~~

~~Notwithstanding other provisions to the contrary, barber pole signs may include the traditional spinning, red/white/blue, internal element.~~

~~(f) Cumulative sign area~~

- (1) Total cumulative sign area may not exceed one square foot for each linear foot of building frontage and 0.50 square feet for each linear foot of building face not defined as building frontage; provided, however, that each detached building shall be permitted at least 15 square feet of building-mounted sign area.
- (2) Parking structures may be counted toward total cumulative sign area.
- (3) Awning or canopy signs located on the first floor of a building ~~indicating only the name of a building or tenant~~ shall not be counted toward the maximum permitted sign area.

~~(g) Allowed sign types and regulations~~

The following sign types shall be allowed, subject to regulations as specified below, as well as the general sign regulations and standards specified in §4.6.

OLD TOWN FAIRFAX HISTORIC OVERLAY DISTRICT SIGN TYPES AND REGULATIONS				
SIGN TYPE	AREA	SETBACK	MAXIMUM HEIGHT	OTHER
Wall	1.00 sq. ft./linear ft. building frontage; 0.50 sq. ft./linear ft. of building face which is not defined as a building frontage	N/A		
Projecting	8 sq. ft.	May project 4 ft. or 1/3 width of sidewalk, whichever is less	No higher than windowsill of second story unless such sign is adjacent to a second-story exterior entrance; 8 ft. min. ground clearance required	
Window	25 percent of the gross, transparent glass area on the ground floor facade of a building	N/A	N/A	
Freestanding, Hanging [1]	8 sq. ft.	Minimum building setback	12 ft.	
Hardship	1.00 sq. ft./linear ft. building frontage; 0.50 sq. ft./ <del>linear</del> <u>linear</u> ft. of building face which is not defined as a building frontage	N/A		



Monument	8 sq. ft.	Minimum building setback	6 ft.	
Sandwich Board	6 sq. ft. <u>per face</u>	N/A	N/A	-A maximum of one such sign allowed per business or use -Must be located on private property and must not impede pedestrian flow
Awning or Canopy	<u>N/A Awning or canopy signs located on the first floor of a building shall not be counted toward the maximum permitted sign area.</u>	N/A	N/A	<u>May only indicate the name of the building or tenant</u>
Flags	24 sq. ft. each building; counted as part of building-mounted signage for purpose of calculating permitted area	The anchoring device shall not project more than 5 ft. from the surface of the wall	No part of the flag shall extend above the roof line or 20 ft. above grade, whichever is less. Each flag shall maintain an 8 ft. minimum clearance above grade	Each supporting pole shall be located in such a manner as not to impede the free flow of pedestrian traffic

Notes:

[1] All other types of freestanding (or pylon) signs are prohibited.

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

§3.7.3. Old Town Fairfax Transition Overlay District

G. Signs

1. General

All signs otherwise allowed in the underlying general use district (§4.6.8) shall be subject to the approval of a certificate of appropriateness in accordance with the provisions of §6.5; provided, however, changes to text only, sandwich board signs, ~~temporary~~ other signs (§4.6.12) or signs allowed without a permit (§4.6.3), excluding §4.6.3.D, §4.6.3.E and §4.6.3.G, shall not be subject to such approval. Changes to the font color and size are subject to approval of a certificate of appropriateness.

~~2. Hardship signs~~

~~In addition to other allowable signs, hardship signs may be approved, subject to findings specified in §4.6.11.F.1, as follows:~~

~~(a) Area~~

~~The area of a hardship signs shall be no more than 2.0 square feet in per linear foot of building frontage.~~

~~(b) Number~~

~~No more than one hardship sign shall be allowed per address.~~

~~(c) Height~~

~~No portion of a hardship sign may extend above the roof line of the building containing the principal use.~~

~~(d) Location~~

~~(1) Hardship signs may be attached to an accessory building or structure, other than a pylon.~~

(2) Hardship signs shall not extend beyond the perimeter of any building edge.

(3) Hardship signs may be located on a parapet that extends no more than five feet above the lowest eave of the roof.

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

§4.5.6. Tree requirements

A. Tree canopy

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

ZONING DISTRICTS		TREE CANOPY (PERCENT)
<b>RESIDENTIAL DISTRICTS</b>		
RL	Residential Low	25
RM	Residential Medium	20
RH	Residential High	20
RT-6	Residential <del>townhouse</del> <u>Townhouse</u>	15
RT	Residential <del>townhouse</del> <u>Townhouse</u>	15
RMF	<u>Residential</u> Multifamily	10

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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, of the Code of the City of Fairfax, Virginia, is hereby amended as follows:

§4.6.1. Purpose

- A. Signs obstruct views, distract motorists, displace alternative uses for land, and pose other problems that legitimately call for regulation. The purpose of this article is to regulate the size, color, illumination, movement, materials, location, height and condition of all signs ~~placed on private property~~ intended for exterior observation, thus ensuring the protection of property values, ~~the character of the various neighborhoods,~~ the creation of a convenient, attractive and harmonious community, protection against destruction of or encroachment upon historic areas, and the safety and welfare of pedestrians and ~~wheeled~~ traffic, while providing convenience to citizens and encouraging economic development. This article allows adequate communication through signage while encouraging aesthetic quality in the design, location, and size, ~~and purpose~~ of all signs. This article shall be interpreted in a manner consistent with the First Amendment guarantee of free speech. ~~If any provision of this article is found by a court of competent jurisdiction to be invalid, such finding shall not affect the validity of other provisions of this article which can be given effect without the invalid provision.~~
- B. Signs not expressly permitted as being allowed by right or by special exception under this article, by specific requirements in another portion of this chapter, or otherwise expressly allowed are forbidden.
- C. A sign placed on land or on a building for the purpose of identification, protection or directing persons to a use conducted therein shall be deemed to be an integral but accessory and subordinate part of the principal use of land or building. Therefore, the intent of this article is to establish limitations on signs in order to ensure they are appropriate to the land, building or use to which they are appurtenant and are adequate for their intended purpose while balancing the individual and community interests identified in §4.6.1.A.
- D. These regulations are intended to promote signs that are compatible with the use of the property to which they are appurtenant, landscape and architecture of surrounding

buildings, are legible and appropriate to the activity to which they pertain, are not distracting to motorists, and are constructed and maintained in a structurally sound and attractive condition.

- E. These regulations distinguish between portions of the city designed for primarily vehicular access and portions of the city designed for primarily pedestrian access.
- F. These regulations do not regulate ~~every form and instance of visual speech that may be displayed anywhere within the jurisdictional limits of the city. Rather, they are intended to regulate those forms and instances that are most likely to meaningfully affect one or more of the purposes set forth above.~~ based on the content of a sign's message, but rather based on the City's interest as stated in §4.6.1.A.
- G. These regulations do not entirely eliminate all of the harms that may be created by the installation and display of signs. Rather, they strike an appropriate balance that preserves ample channels of communication by means of visual display while still reducing and mitigating the extent of the harms caused by signs.

#### §4.6.2. Permit required

Except as otherwise expressly provided in §4.6.3 all persons erecting, changing, installing or otherwise placing signs must first obtain a sign permit in accordance with the procedures of §6.9. The zoning administrator shall refuse to issue sign permit(s) to any applicant who refuses to pay costs assessed for the removal of existing signs not in compliance with the requirements of §4.6.

#### §4.6.3. Signs allowed without a permit

Unless otherwise specified, permits are not required for the following types of signs, but such signs are required to meet all other applicable requirements of this §4.6 ~~and chapter~~:

- A. Indoor signs, other than window signs;
- B. Street address signs; ~~a maximum of one such sign without commercial information or logo per street address; notwithstanding other provisions to the contrary, such signs need not comply with setback requirements; and provided further that in residential districts, such signs shall be maximum of two square feet in area;~~
  - 1. For residential districts, a maximum of two such signs are allowed per street address, and such signs in residential districts shall be a maximum of two square feet in area;
  - 2. For nonresidential districts, a maximum of one such sign is allowed per business or use. Individual tenants or suites in multi-tenant buildings may provide such signs only if those tenants or suites feature direct public access from the building's exterior.

The limitations on the number of street address signs per street address, business or use may be modified to the satisfaction of the building official for the purpose of emergency services identification;

- C. ~~“Open” signs, including externally or internally illuminated signs, or neon signs (a type of window sign) up to two square feet in area, one per entrance, in all nonresidential districts subject to other applicable requirements; Informational signs, providing information or instruction for the convenience and necessity of the public, such as open/closed status of businesses, or vital information such as “no admittance,” “no trespassing,” “no hunting, fishing or swimming,” “beware of dog” and similar directives. Such signs are limited to a cumulative total of two square feet in area per property, business or use. Informational signs providing the open/closed status of businesses and located in a window may be externally or internally illuminated (including LED or neon illumination) to facilitate safe and efficient communication of such operating status;~~  
Informational signs, providing information or instruction for the convenience and necessity of the public, such as open/closed status of businesses, or vital information such as “no admittance,” “no trespassing,” “no hunting, fishing or swimming,” “beware of dog” and similar directives. Such signs are limited to a cumulative total of two square feet in area per property, business or use. Informational signs providing the open/closed status of businesses and located in a window may be externally or internally illuminated (including LED or neon illumination) to facilitate safe and efficient communication of such operating status;
- D. Directional signs, providing direction for the convenience and necessity of the public, such as “entrance,” “exit,” “office,” “parking,” “loading zone,” “full-service,” “self-service,” and similar directives, subject to the standards of §4.6.11.C;



~~D~~ E. Product dispensers and point-of-purchase displays. Such signs may utilize electronic technology as specified in §4.6.4.A.3;

~~E~~ F. Religious symbols displayed for noncommercial purposes;



~~F~~ G. Seasonal displays and decoration not advertising a product, service or entertainment, displayed for a period not exceeding 45 consecutive days; however, any nonresidential district display containing inflatable items shall be considered a moving sign and is therefore prohibited (see §4.6.4.B.1);

~~G~~ H. Signs and notices posted by or under the direction of an official of the government of the United States, the state or the city in the performance of his official duties regarding public safety, public information or city-approved historical markers;

~~H~~ I. Traffic control and parking regulation signs;

~~I.~~ Window shades, provided no words or graphics are on the shade; and

J. Changes to the text only of a previously approved changeable copy sign, provided the change does not violate or result in a violation of other provisions of this chapter;:

K. Message signs in residential districts (i.e., yard signs or similar types):



1. For detached, attached, duplex and townhouse dwelling units, message signs may be located upon the exterior of the unit, inside a window, or on the lot on which the dwelling unit is located. Any such unit is allowed no more than 12 square feet without a permit. Additional message sign area can be permitted as per §4.6.12.B. The dimensions of any such sign face shall not exceed five feet in height;

2. For multifamily units (apartment, condominium, upper story residential/mixed use, congregate living facility or assisted living facility), message signs may be secured or attached to the exterior of the dwelling unit, or inside a window. Any such unit is allowed no more than six square feet of such signage. The dimensions of any such sign face shall not exceed five feet in height;

L. Message signs in nonresidential districts (i.e., banners or similar types of signs). Any site, business or use that has a direct public entrance on a building frontage in a nonresidential district is allowed no more than 32 square feet of message signage. Such signage may be displayed up to 90 days per year. All such signs must be secured or attached to a building or architectural feature thereof, below the roof line, or where window signs may be located. Such signs shall maintain a vertical clearance over a sidewalk of at least seven feet, six inches;

M. Construction signs. Any construction site with an active building permit may have a certain amount of on-premises signs mounted either in the ground, on a building or on a fence:

1. Ground- or building-mounted:

(a) For residential districts, a maximum of two such signs are allowed per development. Height of ground-mounted construction signs, including any platform and base, shall not exceed 10 feet. No individual residential lot may have more than one such sign. The maximum cumulative area for all such signs shall be 10 square feet. All such signs shall be at least 10 feet from all property lines;

(b) For nonresidential districts, the maximum cumulative area for all such signs shall be 32 square feet. All such signs shall be at least 10 feet from all property lines. Height of ground-mounted construction signs, including any platform and base, shall not exceed 10 feet;

2. Fence-mounted: Any construction site with an active building permit may have on-premises signs, located on a fence (permanent or temporary) or wall, provided that any such signs shall be no higher than the fence or wall to which they are attached, and that any such signs shall be removed when the building permit is no longer valid;

N. Real Estate Signs. On-premises signs advertising the premises, or portions thereof, for sale, rent or lease:

1. Residential Districts: A lot in a residential district is allowed one such sign per street frontage, with a maximum height of five feet, and with a maximum sign area of ten square feet. Any such sign must be either ground-mounted, or on a fence (permanent or temporary) or wall. Real Estate Signs must be removed upon settlement or closing of sale;
2. Nonresidential Districts: A lot in a nonresidential district is allowed one or more such signs, with a maximum height of five feet, and with a maximum cumulative sign area of 32 square feet. Any such sign must be either ground-mounted, or on a fence (permanent or temporary) or wall. Real Estate Signs must be removed upon settlement or closing of sale;

O. Seasonal Product Sales Signs. On-premises signs displayed in conjunction with a temporary seasonal sales use as specified in §3.5.6.C.1(c). Such a use includes, but is not limited to temporary quarters for seasonal sales of items such as Christmas trees, fireworks, pumpkins or similar products.

Temporary seasonal sales uses are permitted no more than 32 square feet of signage. Such signs shall not impede pedestrian flow. Such signs shall have the same duration as the associated temporary use, and;

P. Minor event signs. On-premises signs advertising a minor event as allowed under §3.5.6.C.1(a). Such an event may include activities such as privately-sponsored gatherings, walk-a-thons, charity fundraisers, and similar events.

Minor events are permitted no more than 32 square feet of signage. Such signs shall be secured or attached to a building or architectural feature thereof, below the roof line; located where window signs may be located; or located on the subject land at least 10 feet from all property lines where no building exists. Minor event signs may include banners. Any such signs for minor events are permitted for a maximum of 30 days per event, and up to 90 days per year.

§4.6.4. Prohibited signs

A. General

Signs with the following general characteristics are prohibited in the city of Fairfax:

1. Signs located in a manner that would constitute a hazard to the public health, safety and welfare;
2. Signs imitating or closely resembling official traffic or government signs or signals, except for traffic control signs on private streets;
3. Signs displaying flashing or intermittent lights or lights of changing degrees of intensity, ~~including signs utilizing electronic technology.~~ Electronic technology may not be utilized, except on product dispensers and point-of-purchase displays as specified in §4.6.3;
4. Portable spotlights or beacons used as advertising to draw attention to any use;
5. Signs painted on or attached to bike racks, bollards, hydrants, parking meters, public benches, refuse containers, sidewalks or walkways, street light poles, trees, utility poles and similar facilities;
6. Signs which display obscene, indecent, or immoral matter; and
7. Any commercial display of vehicles with open hoods, trunks, or doors; or located on a building, ramp or other elevated structure.
8. Signs that impede pedestrian flow on sidewalks, obstruct vehicle parking spaces, or signs that do not comply with the visual clearance requirements set forth in §4.3.4.



## B. Prohibited sign types

The following sign types are specifically prohibited.

### 1. Moving signs and devices intended to attract attention

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; provided, ~~traditional barber poles~~ signs may include the traditional spinning, red/white/blue, internal element.

### 2. ~~Billboards and other off-site signs~~ Off-site signs, including billboards

A sign that describes or calls attention to products, activities, or services that are not customarily engaged in, produced, or sold on the premises upon which the sign is located.

### 3. 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, except as permitted by §4.6.3 and §4.6.12.

### 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, except for sandwich board signs as permitted by §4.6.11.

### 5. Roof signs

~~A sign or signs~~ Signs erected, constructed, or maintained above or on any part of the roof of the building, except as specifically allowed for wall signs.

### 6. Signs on vehicles and trailers

Signs attached to, painted on, or displayed on vehicles and trailers conspicuously parked in places visible from public rights-of-way. This prohibition does not apply to commercial vehicles parked at the business establishment for which the primary use of the vehicle is delivery, service, or passenger transport.

## §4.6.5. General sign regulations

### A. Computation of sign area

#### 1. Individual signs

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 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.

#### 2. Multi-faced signs

(a) Where the sign faces of a double-faced sign are parallel or the interior angle formed by the faces is 60 degrees or under, only one display face shall be measured in computing sign area. If the two faces of a double-faced sign are of unequal area, the area of the sign shall be the area of the larger face. In all

other cases, the areas of all faces of a multi-faced sign shall be added together to compute the area of the sign.

- (b) Sign area of multi-faced signs is calculated based on the principle that all sign elements that can be seen at one time or from one vantage point should be considered in measuring that side of the sign.

### 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.

### B. Measurement of sign height

The height of a sign shall be computed as the distance from the base of the sign at normal grade to the top of the highest attached component of the sign. Normal grade shall be construed to be the lower of: existing grade prior to construction; or newly established grade after construction, exclusive of any filling, berming, mounding or excavating solely for the purpose of locating the sign. In cases where the normal grade cannot reasonably be determined, sign height shall be computed on the assumption that the elevation of the normal grade at the base of the sign is equal to the elevation of the nearest point of the crown of a public street or the grade of the land at the principal entrance to the principal structure on the site, whichever is lower.

### C. Illumination

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

1. Monument signs in residential districts or within 100 feet of and visible from a residential district shall be illuminated by external white light only. All other signs within 100 feet of a residential district shall not be illuminated.
2. No sign greater than ten feet in height that is located within 200 feet of and visible from any residential district shall be internally illuminated between the hours of 10:00pm and 6:00am.
3. Sign illumination shall not cause glare onto any building or land, or interfere with pedestrian, vehicular or bicycle traffic safety.
4. Except as specified for seasonal displays (§4.6.3.FG) and "open" signs (§4.6.3.C), all external and internal lighting, including illuminated tubing, exposed bulbs, strings of lights and other lights sources, shall be directed toward a sign face and shielded from direct view.
5. Signs shall not be illuminated by a string of lights placed around the sign.

### D. Design, construction and maintenance

1. All signs shall be constructed and mounted in compliance with the building code.
2. Signs shall be constructed of permanent materials and permanently affixed to the ground or building, or fence or wall; provided that this provision shall not apply to ~~temporary signs (§4.6.12)~~ signs allowed by §4.6.3.A, G, H, K, L, M, N, O, P, and §4.6.12.
3. All signs and components thereof shall be maintained in good repair and in a safe, neat and clean condition.
4. The building official may cause to have removed or repaired immediately without written notice any sign which, in his opinion, has become insecure, in danger of falling, or otherwise unsafe, and, as such, presents an immediate threat to the safety of the public. If such action is necessary to render a sign safe, the cost of such emergency removal or repair shall be at the expense of the owner or lessee.

5. The owner of any advertising sign located on commercial property where the use or business to which it refers has ceased operating shall, within 60 days of the cessation of use or business operation, replace the sign face with a blank face until such time as a use or business has resumed operating on the property.

E. Sign condition, safety hazard and nuisance abatement

1. Any sign which becomes a safety hazard or which is not kept in a reasonably good state of repair shall be put in a safe and good state of repair within 30 days of a written notice to the owner and permit holder.
2. Any sign which constitutes a nuisance may be abated by the city under the requirements of Virginia Code §§ 15.2-900, 15.2-906, and/or 15.2-1115.

F. Nonconforming signs

See §7.5.3.

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

- 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.
- B. This provision shall not apply in the historic overlay districts of §3.7.2.
- C. Individual tenants within such building(s) shall be allocated building-mounted signage as determined by the property owner.

§4.6.7. Nonresidential use signs for residential districts

A. Public, civic and institutional use signs for residential districts

Any site where the principal use is a public, civic and institutional use as listed in §3.3.1.B, and is located in a residential district, but where the principal use does not include residential occupancy, may have a monument sign of up to 32 square feet in area, up to six feet in height; and a wall sign of up to 24 square feet; both of which may be illuminated by external white light. Such uses may also have directional signs as permitted by §4.6.11.C. Any such signs shall be setback at least 10 feet from all property lines.

B. Commercial use signs for residential districts

Any site where the principal use is a commercial use as listed in §3.3.1.B, and is located in a residential district, may be allowed one four square foot monument, projecting or hanging sign per street frontage, subject to the following requirements:

1. Ground-mounted signs shall be a maximum of six feet high.
2. Projecting or hanging signs shall be a maximum of 10 feet high.
3. Sign illumination shall be by external white light only.
4. Such uses may also have directional signs as permitted by §4.6.11.C.
5. Such signs shall be setback at least 10 feet from all property lines.

§4.6.8. Signs allowed by district

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

A. Overlay districts

Signs in overlay districts shall be allowed based on the underlying general use district, except as modified by the specific regulations of the applicable overlay district (§3.7).

B. Planned districts

Signs in planned districts shall be allowed as specified in the respective planned district (§3.8).

C. General use districts

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

KEY:

A = signs or other devices allowed without a sign permit

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

blank box = sign type prohibited in the respective district

SIGN TYPES ALLOWED BY PERMIT	RESIDENTIAL DISTRICTS						NONRESIDENTIAL DISTRICTS						STANDARDS	
	RL	RM	RH	RT-6	RT	RMF	CL	CO	CR	CU	CG	IL		IH
<b>GROUND-MOUNTED SIGNS</b>														
Monument	P	P	P	P	P	P	P	P	P	P	P	P	P	§4.6.9
<b>BUILDING-MOUNTED</b>														
Awning or canopy							P	P	P	P	P	P	P	Error!
Hanging							P	P	P	P	P	P	P	Error!
Projecting							P	P	P	P	P	P	P	Error!
Wall						P	P	P	P	P	P	P	P	Error!
<b>SPECIAL SIGNS</b>														
Changeable copy							P	P	P	P	P	P	P	Error!
Crown							P	P	P	P	P	P	P	Error!
Directional							P	P	P	P	P	P	P	Error!
Directory							P	P	P	P	P	P	P	Error!
Flags	A	A	A	A	A	A	A	A	A	A	A	A	A	§4.6.11.E
Hardship							P	P	P	P	P	P	P	Error!
Historic marker	A	A	A	A	A	A	A	A	A	A	A	A	A	§4.6.11.G
Marquee									P	P	P			Error!
Window							P	P	P	P	P	P	P	Error!
Sandwich board							P	P	P	P	P	P	P	Error!
<b>TEMPORARY OTHER SIGNS</b>														
Announcement or promotional							P	P	P	P	P	P	P	§4.6.12.B
Construction	P	P	P	P	P	P	P	P	P	P	P	P	P	§4.6.12.C
Political and noncommercial	P	P	P	P	P	P	P	P	P	P	P	P	P	§4.6.12.D
Real-estate	P	P	P	P	P	P	P	P	P	P	P	P	P	§4.6.12.E
Seasonal product	A	A	A	A	A	A	A	A	A	A	A	A	A	§4.6.12.F
Special event	P	P	P	P	P	P	P	P	P	P	P	P	P	Error!
Message signs in residential districts	P	P	P	P	P	P								Error! Reference

NOTES:

[1] In addition to the sign types above that are allowed by permit, various types of signs without permits are allowed in Zoning Districts as specified in §4.6.3.

[2] Flags are allowed without a permit as specified in §4.6.11.E.

§4.6.9. Monument signs

A. Description

An on-premises ground-mounted sign used to identify nonresidential uses and subdivisions in residential districts, or nonresidential uses or developments in nonresidential districts, that is identifying uses that are lawfully operated on site, and/or identifying developments or subdivisions. Monument signs shall be anchored and mounted on a dressed base or platform, which encloses the structural members that support the sign with brick, masonry, or painted metal with the bottom of the sign face at the base, at grade and not exceeding the specified overall height. Monument



signs may also be located on an ornamental wall or retaining wall. Monument signs are the only ground-mounted signs allowed in the city of Fairfax.

B. Area

1. Monument signs shall be no more than:

- (a) Commercial districts: 1.8 square feet for each linear foot of street frontage (as defined in Article 9), or a maximum of 120 square feet, whichever is less.
- (b) Industrial districts: 1.2 square feet for each linear foot of street frontage, or a maximum of 100 square feet, whichever is less.
- (c) Residential districts: For nonresidential uses, 0.5 square foot for each linear foot of street frontage or a maximum of 50 square feet, whichever is less. For residential uses, no monument signage is permitted, except for purposes of identifying developments, neighborhoods or subdivisions.

2. Any portion of a sign base or platform that is designed or intended to inform, persuade, advertise or visually attract attention shall be considered part of the sign.

C. Height

Height of monument signs, including the platform and base, shall not exceed 10 feet.

D. Number

One per street frontage.

E. Location

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

§4.6.10. Building-mounted signs

A. Awning or canopy signs

1. Description

An on-premises sign attached flat to an awning or canopy.

2. Area

Awning or canopy signs shall be no more than 15 square feet.

3. Illumination

Signs may be illuminated.

4. Miscellaneous Location

Signs shall not extend outside the overall length or width of an awning or canopy, or extend above the height of the building wall to which the awning or canopy is attached.

B. Hanging signs

1. Description

An on-premises sign that is suspended from the underside of a horizontal plane surface and is supported by such surface.

2. Area

Hanging signs shall be no more than eight square feet.

3. Illumination

Hanging signs may be illuminated only with external lighting.



4. Location

~~Comply~~ Hanging signs shall comply with building setback requirements for the underlying district.

5. Number

- (a) No more than one hanging sign per entrance.
- (b) The sign may have copy on both sides.

6. Height

Hanging signs shall maintain a vertical clearance over a sidewalk of at least seven feet, six inches, and shall be no higher than 12 feet over the sidewalk.

C. Projecting signs

1. Description

An on-premises sign attached directly to a supporting building wall, and intersecting the building wall at a right angle. A projecting sign typically extends more than 12 inches from the building wall, and may be two or three-dimensional.

2. Area

Projecting signs shall be no more than 40 square feet.

3. Height

- (a) Projecting signs shall maintain a vertical clearance over a sidewalk of at least seven feet, six inches.
- (b) Such signs shall be no higher than the roof line of a building.

4. Illumination

Projecting signs may be illuminated only with external lighting.

5. Location

- (a) Projecting signs shall not project more than four feet or one-third the width of the sidewalk, whichever is less, from the building face to which they are attached.
- (b) Such signs shall comply with applicable building setback requirements.

D. Wall signs

1. Description

An on-premises sign that is painted on or attached directly to the surface ~~of a wall of a multifamily building or a nonresidential use as permitted by §4.6.8.~~ For purposes of these regulations, fuel station canopy signs shall be considered wall signs. A wall sign shall not extend more than 12 inches from the building face to which it is attached.

2. Area

Wall signs shall be no more than 2.0 square feet in area per linear foot of building frontage.

3. ~~Height~~ Location

- (a) No portion of a wall sign may extend above the roof line of a building, including that of gas station canopy.
- ~~(b) No portion of a wall sign may extend above top of a building.~~
- ~~(e b)~~ No portion of a wall sign may extend above the lower eave line of a building with a flat, pitched gable, hip or a gambrel roof.

4. ~~Location~~

- ~~(a) Wall signs shall not extend more than 12 inches from the building face to which they are attached.~~
- ~~(b c)~~ Wall signs shall not extend beyond the perimeter of any building edge.

(e d) Wall signs may be located on a parapet wall, ~~provided that such signage that extends no more than five feet above the lowest eave of the roof~~ base of the parapet wall.

#### §4.6.11. Special signs

##### A. Changeable copy signs

###### 1. Description

Any on-premises sign that allows the copy to change. These signs may be lighted or unlighted, with detachable or fixed-in-place, letters and figures. Other than sandwich board signs, only ~~signs that are permanently affixed to the ground or a building may be~~ monument signs or marquee signs may include changeable copy signs.

###### 2. Location

Changeable copy signs may be included as a part of an otherwise permitted monument sign in any nonresidential district or as part of a monument sign permitted subject to the provisions of ~~§3.5.2.B.4, §3.5.2.G, §3.5.2.H.4, or §3.5.2.I.4~~ §4.6.7.A, provided the sign otherwise complies with all requirements for monument signs. (See also §4.6.9)

###### 3. Text

(a) Up to 60 percent of a changeable copy sign's sign area may be changeable copy.

(b) ~~No changeable copy sign may contain more than three horizontal rows of information.~~

###### 4. Electronic technology

Signs utilizing electronic technology shall be prohibited.

##### B. Crown signs

###### 1. Description

An on-premises type of wall sign located adjacent to and below the roof line on a building at least 50 feet or five floors in height.

###### 2. Applicability

In addition to otherwise permitted wall signs, buildings at least 50 feet or five floors in height may contain a crown sign.

###### 3. Area

Crown signs shall be no more than 200 square feet, or five square feet per building side for each foot of building height over 50 feet tall, whichever is less.

###### 4. Location

The sign shall be located on a building wall adjacent to and below the roof line and shall not extend below the top window line of the upper floor of the building.

###### 5. Number

Only one crown sign shall be located on any one side of a building.

###### 6. Illumination

All sign illumination shall be internal. (See also §4.6.5.C)

###### 7. Changeable copy

Changeable copy shall be prohibited.

C. Directional signs

1. Description

~~On~~ An on-premises building-mounted or ground-mounted informational signs used for the convenience and necessity of the public, including providing directions and without commercial information or logos providing direction for the convenience and necessity of the public, such as "entrance," "exit," "office," "full-service," "self-service," and similar directives.

2. Number

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

3. Area

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

4. Height

Directional signs shall not exceed three feet in height within the required setback, or six feet in height for the remainder of the site.

~~4.5.~~ Location

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

D. Directory signs

1. Description

~~An on-premises map and/or sign directory at a multi-tenant building or project that identifies uses or activities conducted on site, or a sign located on the wall of a building near an entrance to the building for the purpose of identifying the names and locations of uses within the building site that provides direction for the convenience and necessity of the public by identifying the location of uses, activities or tenants. Such directory signs may be ground-mounted or wall-mounted signs.~~

2. Number

~~All attached multitenant office or industrial~~ Multi-tenant buildings shall be permitted one wall-mounted directory sign not to exceed four square feet in area for the purpose of identifying the names and locations of uses within the building.

3. Area

A wall-mounted directory sign shall not exceed four square feet in area. Directory Ground-mounted directory signs shall not exceed a total of 20 square feet in area for the purpose of identifying the names and locations of uses or activities within the building.

4. Height

Directory signs shall not exceed six feet in height.

~~4.5.~~ Location

~~All attached multi-tenant office or industrial buildings shall be permitted one wall directory sign not to exceed four square feet in area.~~ Located on the subject land, building or premises at least 10 feet from all property lines, or on a fence or wall.

## E. Flags

### 1. Description

On-premises flags of the United States, other governmental entities, religious institutions, groups, civic organizations, service clubs, or any commercial and noncommercial entities.

### 2. Number

There shall be a maximum of three flags per site.

### 3. Area

Flags shall be no more than 40 square feet each.

### 4. Location

(a) The flag may be on a freestanding pole or anchored to the side of a building; If anchored to the side of a building, the pole anchoring devices shall not project more than five feet from the surface of the wall and shall provide a vertical clearance over a sidewalk of at least seven feet, six inches.

(b) Each flag and pole shall conform to the required yard (setback) restrictions of the district in which they are located.

### 5. Height

Each flag and pole shall conform to the height restrictions of the district in which they are located.

### 6. Illumination

Flags may be illuminated. (See also §4.6.5.C)

## F. Hardship signs

### 1. Description

An on-premises special sign type as determined by the zoning administrator that may only be allowed in unique, hardship circumstances, where the only public entrance is on a building face not readily visible to from the public right-of-way, and about which the zoning administrator makes a positive finding with respect of each of the following:

(a) That the strict application of this chapter would produce undue hardship;

(b) That such hardship is not self-imposed;

(c) That such hardship is not shared generally by other properties in the same zoning district and the same vicinity;

(d) That the authorization of such variance will not be of substantial detriment to adjacent property and that the character of the district will not be changed by the granting of the variance; and

(e) That the condition or situation of the property concerned or the intended use of the property is not of so general or recurring a nature as to make reasonably practicable the formulation of a general regulation to be adopted as an amendment to this chapter.

### 2. Area

~~The area of a hardship~~ Hardship signs shall be no more than 2.0 square feet in per linear foot of building frontage.

### 3. Number

No more than one hardship sign shall be allowed per address.

4. Height

No portion of a hardship sign may extend above the roof line of the building containing the principal use.

5. Location

- (a) Hardship signs may be attached to an accessory building or structure, other than a pylon.
- (b) Hardship signs shall not extend beyond the perimeter of any building edge.
- (c) Hardship signs may be located on a parapet wall that extends no more than five feet above the lowest eave of the roof.

G. Historic marker signs

~~1. Description~~

~~Historic markers approved by the Virginia Department of Historic Resources or the zoning administrator.~~

~~2. Area~~

~~Historic marker signs shall not be more than 32 square feet, provided that signs are attached to buildings shall be no more than 10 square feet.~~

~~3. Materials~~

~~Such signs or markers shall be made of cast metal, cut masonry, painted wood or metal.~~

~~4. Illumination~~

~~Historic markers shall be externally illuminated only. (See also §4.6.5.C)~~

H G. Marquee signs

1. Description

~~On~~ An on-premises signs or message areas on a permanent roof-like structure (marquee) over an entrance of a theater (~~marquee~~) or vertically-oriented and projecting from the wall of a theater.

2. Area

Marquee signs shall be no more than 300 square feet, and may extend the full length of the marquee.

3. Number

Only one marquee sign shall be allowed per building.

4. Height

- (a) The marquee shall have a vertical clearance over a sidewalk of at least seven feet, six inches.
- (b) The sign may extend above the top of the marquee, provided the vertical dimension of any marquee structure over an entrance, including both marquee and sign, shall not exceed five feet.

5. Changeable copy

Marquee signs may have changeable copy on each face.

6. Illumination

If such signs are illuminated, the illumination shall be by internal lighting only. Exposed light sources shall not be used.

I H. Window signs

1. Description

Any on-premises sign, picture, symbol, or combination thereof, ~~designed to communicate information about an activity, business, commodity or service placed~~



inside a window or upon the windowpanes or glass and is intended to be visible from the exterior of the window. Window shades, provided no words or graphics are on the shade, are not considered to be signs.

2. Number

There shall be no maximum number of permanent signs per window, provided the 25 percent coverage requirement, below, is maintained.

3. Area

Window signs may cover no more than 25 percent of the gross, transparent glass area on the ground floor façade of a building. For purposes of this provision, each building façade shall be considered separately.

4. Location

Window signs shall be located on ground floor windows only.

I. Sandwich board signs

1. Description

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

2. Area

Not to exceed six square feet per face.

3. Number

One per business or use.

4. Location

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

5. Duration

Must be removed when the ~~store~~ business or use is closed.

§4.6.12. ~~Temporary~~ Other signs

~~A. General description~~

~~On-premises signs constructed of cloth, fabric, or other lightweight temporary material with or without a structural frame intended for a limited period of display.~~

~~B. Announcement or promotional signs~~

~~1. Description~~

~~Signs making any commercial or noncommercial announcements or promoting something, including but not limited to, advertising the opening of commercial or noncommercial establishments, coming soon, going out of business, store closing, special sales events or products, and similar signs, including banners.~~

~~2. Area~~

~~Not to exceed 32 square feet.~~

~~3. Duration~~

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

~~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.~~

~~C. Construction signs~~

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

~~1. Area~~

~~Not to exceed 10 square feet in residential districts, 32 square feet in nonresidential districts.~~

~~2. Number~~

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

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

~~3. Height~~

~~Not to exceed five feet in height.~~

~~4. Location~~

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

~~5. Duration~~

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

~~D. Political and noncommercial message signs~~

~~1. Description~~

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

~~2. Area~~

~~Not to exceed 10 square feet in residential districts, 32 square feet in nonresidential districts.~~

~~3. Number~~

~~Limited to a maximum of one sign per street frontage.~~

~~4. Height~~

~~Not to exceed five feet in height.~~

~~5. Location~~

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

~~6. Duration~~

~~Placed for a maximum of 90 days.~~

~~E. Real estate signs~~

~~1. Description~~

~~On premises signs advertising the premises for sale, rent or lease.~~

~~2. Area~~

~~Not to exceed 10 square feet in residential districts, 32 square feet in nonresidential districts.~~

~~3. Number~~

~~Limited to a maximum of one sign per street frontage.~~

~~4. Height~~

~~Not to exceed five feet in height.~~

~~5. Location~~

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

~~6. Duration~~

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

~~F. Seasonal product sales signs~~

~~1. Description~~

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

~~2. Area~~

~~Not to exceed 32 square feet.~~

~~3. Location~~

~~Located must not impede pedestrian flow.~~

~~4. Height~~

~~Not to exceed five feet in height.~~

~~5. Duration~~

~~Such signs shall have the same duration as the associated temporary use.~~

~~G A. Special event signs~~

~~1. Description~~

~~On-premises signs advertising special events sponsored or co-sponsored by the city, community group or any other nonprofit organization, 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 secured or attached to a building or architectural feature thereof, below the roof line; located where window signs may be located, or located 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.~~

~~B. Message signs in residential districts~~

~~1. Description~~

~~On-premises signs expressing any message, in quantity beyond that allowed in §4.6.3.K.1.~~

~~2. Area~~

~~Any detached, attached, duplex or townhouse unit is allowed no more than 12 square feet of such without a permit (see §4.6.3.K.1). Signage beyond that amount,~~

but not in excess of 36 square feet, is permitted on the lot of any such dwelling unit by this section.

3. Height

Not to exceed five feet in height.

4. Location

Located upon the exterior of the unit, inside a window, or on the lot on which the dwelling unit is located.

5. Duration

Placed for a maximum of 30 consecutive days, and no more than 90 days per calendar year.

**BE IT FURTHER ORDAINED, by the City Council of the City of Fairfax, Virginia, that Chapter 110, Article 4, §4.7.7, of the Code of the City of Fairfax, Virginia, is hereby amended as follows:**

**§4.7.7. Special exceptions**

The board of zoning appeals may modify the fence or wall height requirements, including alternative locations and designs, pursuant to §4.7 in accordance with the relevant provisions in §6.17.

**A. Maximum height**

In making a decision to modify maximum height provisions, the board shall consider the following:

1. A. Unusual site topography, and the relation of the proposed fence or wall to that topography;
2. B. Unusual lot configuration (e.g., placement of the house on the lot, heavy traffic volume, existence of a vacant lot);
3. C. The presence of neighboring properties that contain uses other than single-family residences; and
4. D. Fence or wall design (e.g., opacity, materials), and variations of fence or wall materials.

**B. Limitations** §4.7.8. Limitations

1. A. The requirements of §4.7 shall not be deemed to prohibit any necessary retaining wall, terrace wall, or similar feature, nor to prohibit any safety railing installed adjacent to a retaining wall.
2. B. The requirements of §4.7 shall not be deemed to prohibit any fence or wall as required in City Code chapter 10, article IX, section 10-621, regarding required protective fencing surrounding swimming and wading pools. Further, the requirements of §4.7 shall not be deemed to prohibit any fence or wall immediately surrounding a tennis court.
3. C. The requirements of §4.7 shall not be deemed to prohibit any fence or wall as otherwise required fence or wall.
4. D. The requirements of §4.7 shall not apply to temporary security fences or walls erected on or around construction sites during such time a valid building permit is in effect.

**BE IT FURTHER ORDAINED, by the City Council of the City of Fairfax, Virginia, that Chapter 110, Article 4, §§4.8.4 and 4.8.5, of the Code of the City of Fairfax, Virginia, is hereby amended as follows:**

**§4.8.4. Design requirements**

....

F. Illumination

1. Outdoor lighting fixtures must be located, aimed or shielded to minimize glare and stray light trespassing across lot lines and into the public right-of-way.
2. Maximum luminance levels shall not exceed 0.5 foot-candles at the property boundary any side (interior) or rear lot line except as may be required herein or as determined by the zoning administrator.

§4.8.5. Specific lighting standards

....

F. ~~Illumination~~

1. ~~Outdoor lighting fixtures must be located, aimed or shielded to minimize glare and stray light trespassing across lot lines and into the public right of way.~~
2. ~~Maximum luminance levels shall not exceed 0.5 foot candles at the property boundary except as may be required herein.~~

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

§4.10.2. Outdoor Display

....

- C. ~~Seasonal displays and decoration not advertising a product, service or entertainment;~~ displayed for a period not exceeding 45 consecutive days shall be exempt from the provisions of §4.10.2.

....

**BE IT FURTHER ORDAINED, by the City Council of the City of Fairfax, Virginia, that Chapter 110, Article 6, §6.5.2, of the Code of the City of Fairfax, Virginia, is hereby amended as follows:**

§6.5. Certificates of Appropriateness

....

§6.5.2. Exemptions

....

- H. Modification to the text only of a ~~previously approved~~ changeable copy sign, where the sign otherwise conforms with all requirements of §4.6.

....

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

§6.9. Sign Permits

§6.9.1. Applicability

- A. Sign permits shall be reviewed in accordance with the provisions of §6.9.
- 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.~~



C. This shall not be interpreted as to require a new sign permit for changes to the text only of a ~~previously permitted~~ changeable copy sign where the sign otherwise conforms with the requirements of §4.6.

....

**BE IT FURTHER ORDAINED, by the City Council of the City of Fairfax, Virginia, that Chapter 110, Article 9, §9.3, of the Code of the City of Fairfax, Virginia, is hereby amended as follows:**

§9.3.1. General terms

....

COVERED ENTRYWAY: A projection from an outside wall of a dwelling covered by a roof with no side walls more than two feet in height (other than railings and the sides of the building to which the entryway is attached). A covered entryway shall not have area in excess of what is needed to facilitate ingress and egress.

....

DECK: A raised, outdoor platform, accessory to a structure, that is completely unenclosed (other than railings and any sides of the building to which the deck may be attached), provided, however, that a deck may have an open-style partition or screen of lattice or similar pattern.

....

DWELLING UNIT OR UNIT: A building, or portion thereof, providing complete and permanent living facilities for one household, for long-term residency of 30 days or more, and all conditioned space is continuous and connected and fully accessible from all space by all occupants. Dwelling unit or unit includes the following.

- Accessory dwelling units
- Single-family attached
- Single-family detached
- Duplex
- Multifamily
- Townhouse
- Upper story residential/mixed use building

....

GARAGE SALE OR YARD SALE: The sale of personal property which is conducted on the same lot as a residential dwelling within a residential district.

....

~~Monument sign: The only type of ground-mounted sign allowed in the city. See §4.6.9~~

....

PATIO OR TERRACE: A surfaced outdoor area, accessory to a structure, with no side walls more than two feet in height (other than any sides of the building to which the patio may be attached). The floor of a patio may not be more than 18 inches above the underlying ground at any point.

....

POINT-OF-PURCHASE DISPLAY: Information or instructions displayed where products are sold directly to customers, located where products are intended for self-service, or where customers make purchasing decisions. Point-of-purchase displays may be located on vending machines, automated teller machines, fuel station pumps, menu boards for drive-through facilities, outdoor dining tabletop displays, and similar arrangements. On product dispensers, point-of-purchase refers to information displayed on the dispenser itself, located on an integral part of the dispenser, or otherwise oriented to the customer purchasing the product.

PORCH: A projection from an outside wall of a dwelling covered by a roof with no side walls more than two feet in height (other than railings and the sides of the building to which the porch is attached).

....

TERRACE: See "Patio".

....

SIGN, ELECTRONIC: Any sign displaying self-illuminating text, numerals, graphics, animations or video that is able to be changed, manipulated or varied remotely or by an automated or programmed operating system.

....

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

....

UNIT: See "Dwelling Unit."

....

YARD SALE: See "Garage Sale."

....

This ordinance shall become effective September 1, 2021.

PLANNING COMMISSION PUBLIC HEARING: July 12, 2021

CITY COUNCIL PUBLIC HEARING: July 27, 2021

ENACTED: July 27, 2021

*Walter Meyer*

\_\_\_\_\_  
Mayor

*7/30/2021*

\_\_\_\_\_  
Date

ATTEST:

*Melannan Curb*  
\_\_\_\_\_  
City Clerk

**VOTE:**

Mayor Meyer	Aye
Councilmember Harmon	Aye
Councilmember Lim	Aye
Councilmember Miller	Aye
Councilmember Ross	Aye
Councilmember Stehle	Aye
Councilmember Yi	Naye