

**ORDINANCE NO. 2022-12**

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

§1.5. Measurements and Exceptions

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§1.5.7. Coverage

A. Building coverage (footprint)

1. Building coverage is the percentage of lot area that is permitted to be covered by buildings, including both principal structures and accessory buildings.
2. Building coverage does not include paved areas such as driveways, uncovered porches or patios, decks, swimming pools, ground-mounted solar energy systems when mounted on a pervious surface, or roof overhangs of less than three feet.

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

§1.5. Measurements and Exceptions

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§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>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	■	■		
<u>Ground-mounted solar energy systems up to 12 feet in height, provided that such systems remain at least 5 feet from the lot line</u>			■	■
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			■	■
...				

**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. Use Regulations

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§3.4.1. Use Interpretation

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F. Commercial use groups

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~~13. Warehouse and freight movement~~

~~A facility involved in the storage or movement of goods for themselves or other firms. Goods are delivered to other firms or the final consumer with little on-site sales activity to customers. Warehouse and freight movement shall include the following: bulk storage, including nonflammable liquids, feed and grain storage; cold storage plants, including frozen food lockers; household moving and general freight storage; separate warehouse used by retail store such as furniture or appliance store; bus barn; parcel services, mail order facility; stockpiling of sand, gravel, or other aggregate materials; transfer and storage business where there are no individual storage areas or where employees are the primary movers of the goods to be stored or transferred; or any similar use.~~

G. Industrial use groups

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5. Warehouse and freight movement

A facility involved in the storage or movement of goods for themselves or other firms. Goods are delivered to other firms or the final consumer with little on-site sales activity to customers. Warehouse and freight movement shall include the following: bulk storage, including nonflammable liquids, feed and grain storage;

cold storage plants, including frozen food lockers; household moving and general freight storage; separate warehouse used by retail store such as furniture or appliance store; bus barn; parcel services, mail order facility; stockpiling of sand, gravel, or other aggregate materials; transfer and storage business where there are no individual storage areas or where employees are the primary movers of the goods to be stored or transferred; or any similar use.

5 6. Waste service

A facility that generally receives solid or liquid wastes from others for transfer to another location, collects sanitary waste, or manufactures a product from the composting of organic material. Waste-related service shall include the following: animal waste processing; landfill, incinerator; manufacture and production of goods from composting organic material; recycling processing center; storage of recyclable material, including construction material; transfer station; or any similar use.

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

§3.5. Specific Use Standards

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§3.5.2. Public, civic and institutional use standards

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C. Group homes/statutory

1. Occupancy shall be limited to no more than eight persons who are aged, infirm, disabled, mentally ill or developmentally disabled ~~persons~~, with one or more resident counselors or other staff persons. For the purposes of this subsection D, mental illness and developmental disability shall not include current illegal use of or addiction to a controlled substance as defined in Code of Virginia §54.1-3401.
2. Such facilities housing persons who are aged, infirm, or disabled ~~persons~~ shall be licensed by the Virginia Department of Social Services.
3. Such facilities housing ~~mentally ill or developmentally disabled~~ persons with mental illness, intellectual disability, or development disability shall be licensed by the Virginia Department of Behavioral Health and Developmental Services.

**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. Specific Use Standards

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§3.5.5. Accessory use standards

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D. Accessory use standards

1. Accessory dwelling units

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(f) Any accessory dwelling unit established for occupancy by a ~~disabled~~ person with physical disabilities shall provide for reasonable access and mobility as required for the ~~disabled~~ person with disabilities. The applicant shall specify the measures for reasonable access and mobility ~~shall be specified in the application for a special use permit~~. Generally, reasonable access and mobility for ~~physically handicapped~~ persons with physical disabilities shall include:

- (1) Uninterrupted access to one entrance; and
- (2) Accessibility and usability of one bathroom.

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**BE IT FURTHER ORDAINED, by the City Council of the City of Fairfax, Virginia, that Chapter 110, Article 3, §3.6, of the Code of the City of Fairfax, Virginia, is hereby amended as follows:**

§3.6. Dimensional Standards

The dimensional standards of §3.6 apply to all general district development. Methods of measurement and exceptions are found in §1.5.

§3.6.1. Residential districts

A. General provisions

RESIDENTIAL DISTRICTS DIMENSIONAL STANDARDS	RL	RM	RH	RT-6	RT	RMF
DENSITY (UNITS/ACRE), MINIMUM	- n/a	- n/a	- n/a	6	12	20
SITE AREA (ACRES), MINIMUM	- n/a	- n/a	- n/a	3	0.4	0.5
LOT AREA/ UNIT, MINIMUM (SQ. FT.)	20,000	7,500	6,000	1,600 [3]	1,500	1,800
REQUIRED YARDS, MINIMUM (FT.) [1]						
Front	40	25	20	10	10	25
Side (street)	30	20	15	20	20	25
Side (interior)	15	12-10[2]	12-10[2]	0	0	25
Rear	25	25	25	20	20	35
LOT WIDTH, MINIMUM (FT.)						
Interior lots	100	75	60	18	18	- n/a
Corner lots	125	95	80	18	18	- n/a

<b>HEIGHT, MAXIMUM (STORIES/FEET) [2]</b>						
Adjacent to RL, RM or RH district	3/35	3/15-35[2]	3/15-35[2]	3/35	3/35	3/35
Not adjacent to RL, RM or RH district	3/35	3/35	3/35	3/35	4/45	4/45
<b>BUILDING COVERAGE, MAXIMUM (%)</b>	<u>n/a</u>	25	35	60	60	60
<b>LOT COVERAGE, MAXIMUM (%)</b>	<u>n/a</u>	40	50	80	80	80

NOTES:

[1] Special building line requirements apply where narrow right-of-way areas are found, see §1.5.12.F.

[2] Some exceptions apply. See §1.5.11.A.2(a).

[3] Or, an average of 1,800 square feet.

**B. Affordable dwelling unit development regulations**

<b>RESIDENTIAL DISTRICTS</b>						
<b>DIMENSIONAL STANDARDS</b>	<b>RL</b>	<b>RM</b>	<b>RH</b>	<b>RT-6</b>	<b>RT</b>	<b>RMF</b>
<b>DENSITY (UNITS/ACRE), MINIMUM</b>	- <u>n/a</u>	- <u>n/a</u>	- <u>n/a</u>	7.2	14.4	24
<b>SITE AREA (ACRES), MINIMUM</b>	- <u>n/a</u>	- <u>n/a</u>	- <u>n/a</u>	3	0.4	0.5
<b>LOT AREA/ UNIT, MINIMUM (SQ. FT.)</b>	16,000	6,000	4,800	1,280 [3]	1,200	1,440
<b>REQUIRED YARDS, MINIMUM (FT.) [1]</b>						
Front	32	20	20	8	8	25
Side (street)	24	18	12	16	16	25
Side (interior)	12	10-8[2]	10-8[2]	0	0	25
Rear	20	20	20	15	15	35
<b>LOT WIDTH, MINIMUM (FT.)</b>						
Interior lots	80	60	48	16	16	- <u>n/a</u>
Corner lots	100	76	64	16	16	- <u>n/a</u>
<b>HEIGHT, MAXIMUM (STORIES/FEET) [2]</b>						
Adjacent to RL, RM or RH district	3/35	3/15-35[2]	3/15-35[2]	3/35	3/35	4/48
Not adjacent to RL, RM or RH district	3/35	3/35	3/35	3/35	4/45	5/60
<b>BUILDING COVERAGE, MAXIMUM (%)</b>	<u>n/a</u>	30	42	70	70	70
<b>LOT COVERAGE, MAXIMUM (%)</b>	<u>n/a</u>	48	60	90	90	90

NOTES:

[1] Special building line requirements apply where narrow right-of-way areas are found, see §1.5.12.F.

[2] Some exceptions apply. See §1.5.11.A.2(a).

[3] Or, an average of 1,800 square feet.

§3.6.2. Nonresidential districts

NONRESIDENTIAL DISTRICTS							
DIMENSIONAL STANDARDS	CL	CO	CR	CU	CG	IL	IH
<b>DENSITY (UNITS/ACRE), MINIMUM</b>	20 (General) / 24 (Affordable Dwelling Unit)					-- n/a	-- n/a
<b>LOT AREA, MIN. (SQ. FT.)</b>	-- n/a	20,000	20,000	30,000	22,000	-- n/a	-- n/a
<b>REQUIRED YARDS (FT.)</b>							
Front and side (street)							
Maximum	-- n/a	-- n/a	93[1]	15	-- n/a	-- n/a	-- n/a
Minimum	20[1]	20[1]	20[1]	0	20	20	25
Side (interior), min. adjacent to a residential district	25	25	25	25	25	50	50
Side (interior), min. not adjacent to a residential district	12	0/10[2]	0/10[2]	0/10[2]	25	0	0
Rear, min. adjacent to a residential district	25	25	25	25	25	50	50
Rear, min. not adjacent to a residential district	0	0	0	0	25	0	0
<b>BUILD-TO LINE, MANDATORY (PERCENT)</b>	-- n/a	-- n/a	-- n/a	50	-- n/a	-- n/a	-- n/a
<b>LOT WIDTH, MINIMUM (FT.)</b>	-- n/a	-- n/a	-- n/a	-- n/a	150	-- n/a	-- n/a
<b>BULK PLANE REQUIREMENTS (DEGREES)</b>							
Front	-- n/a	-- n/a	-- n/a	-- n/a	-- n/a	-- n/a	-- n/a
Side (interior), adjacent to a residential district	-- n/a	45	45	45	45	45	45
Side (interior), not adjacent to a residential district	-- n/a	-- n/a	-- n/a	-- n/a	-- n/a	30	30
Rear, adjacent to a residential district	-- n/a	45	45	45	45	45	45
Rear, not adjacent to a residential district	-- n/a	-- n/a	-- n/a	-- n/a	-- n/a	30	30
<b>HEIGHT, MAXIMUM (STORIES/FEET)</b>	3/35	5/60	5/60	5/60	5/60	3/35	6/60
<b>BUILDING COVERAGE, MAXIMUM (%)</b>	25	50	60	80	-- n/a	50	50
<b>LOT COVERAGE, MAXIMUM</b>	50	85	85	100	90	90	90
<b>FLOOR AREA, MAXIMUM (SQ. FT.)</b>	17,500	-- n/a	-- n/a	-- n/a	-- n/a	-- n/a	-- n/a

NOTES:

[1] Special building line requirements apply where narrow right-of-way areas are found, see §1.5.12.F.1(a).

[2] No side (interior) yard is required, but if a building is not built to the lot line, a minimum 10 foot side (interior) yard shall be required.

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

§3.7. Overlay Districts

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§3.7.3. Old Town Fairfax Transition Overlay District

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**B. Additional uses**

In addition to those uses permitted in the underlying zoning district, the following uses shall be allowed as specified below.

**1. Permitted uses**

(a) Where the underlying zoning is the CL, CO, CR, ~~or~~ CG or CU district, uses permitted include upper story residential/mixed use.

~~(b)~~ **2. Prohibited uses**

(a) Vehicle sales and leasing

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

§4.2. Off-street Parking and Loading

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§4.2.6. Parking lot design

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**F. Accessible spaces (for ~~the disabled~~ persons with disabilities)**

Accessible spaces shall be provided in accordance with the Americans with Disabilities Act Accessibility Guidelines.

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

§4.5. Landscaping

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§4.5.8. Screening

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F. Roof-mounted mechanical equipment

1. Roof-mounted mechanical equipment (e.g., air conditioning, heating, cooling, ventilation, exhaust and similar equipment, but not elevator shafts, solar panels solar energy systems, wind energy or similar renewable energy devices) over 30 inches in height must be screened from ground-level view at the property line in one of the following ways:

(a) A parapet wall;

(b) A solid screen, which shall be an integral part of the building's architectural design; or

(c) An equipment setback from roof edges that is at least three feet in depth for each one foot of equipment height.

G. Trash receptacles and service areas

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

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**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

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§6.5.2. Exemptions

The following development shall be exempted from the requirements of §6.5:

- A. Repairs, maintenance, or alteration of any feature the building official certifies is required due to an unsafe or dangerous condition;
- B. The normal repair and maintenance of any exterior architectural feature;
- C. Ordinary ~~yard~~ maintenance in the historic districts to correct deterioration, decay or damage, or to sustain the existing form that does not involve a change in design, material, color or exterior appearance;
- D. Repainting resulting in the same, previously approved color;
- E. Replacing previously approved broken windowpanes, missing roof shingles, or missing features with matching in-kind materials;



- F. Addition or deletion of television or radio antennas, skylights, ~~or solar collectors~~ in locations not visible from public places (rights-of-way, plazas, squares, parks, government sites, and similar);
- G. Solar energy systems in the Old Town Fairfax Transition Overlay District (§3.7.3) or in the Architectural Control Overlay District (§3.7.4), except that solar energy systems mounted on a building face are not exempt from the requirements of §6.5;
- ~~G~~ H. Any changes to a structure or site that is not visible from a public place; ~~and~~
- H I. Modification to the text only of a changeable copy sign, where the sign otherwise conforms with all requirements of §4.6; ~~;~~ and
- J. Furnishings (such as tables, chairs, and similar items) and related accessories such as barriers, used by a lawfully established restaurant as part of an outdoor dining program as authorized by the City Manager.

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

§6.5. Certificates of Appropriateness

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§6.5.3. Certificate of appropriateness types

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A. Minor certificate of appropriateness

1. Applicability

A minor certificate of appropriateness shall include proposed changes to:

- (a) Awnings, doorways, ramps, walkways, shutters, porches, railings and similar features;
- (b) Landscaping features, involving the planting of grass, trees or shrubs, minor grading, walks, low retaining walls, fencing, street furniture, ~~outdoor seating areas~~, small fountains, and ponds;
- (c) Screening for dumpsters or mechanical equipment, either on the ground or on the structure;
- (d) Exterior lighting, including poles and fixtures;
- (e) Signs in the Old Town Fairfax Historic Overlay and the Old Town Fairfax Transition Overlay Districts as specified in §3.7.2.B.8 and §3.7.3.G, respectively;
- (f) Antennas, satellite dishes or other communications devices, skylights or similar appurtenances; and
- (g) Features and changes similar to those listed above.

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**BE IT FURTHER ORDAINED, by the City Council of the City of Fairfax, Virginia, that Chapter 110, Article 6, §6.8.11, of the Code of the City of Fairfax, Virginia, is hereby amended as follows:**

§6.8. Site Plan Reviews

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§6.8.11. Guarantees of improvements

- A. Prior to the approval of any site plan, the applicant shall submit a cost estimate and time schedule for installation of each phase of the required improvements, subject to review and approval by the zoning administrator.
- B. The city shall require a bond guaranteeing all required improvements. This bond shall be in the amount determined by the zoning administrator. This bond shall be in cash, certified check, or be made by a bonding/insurance company authorized to do business in Virginia.
- C. As each phase of improvements is installed and inspected by the city, the bond amount shall be reduced by the costs of the installed improvements.
- D. After completion of all improvements and discharge of the performance bond the city shall require a warranty bond guaranteeing all required improvements for a two-year period. This bond shall be equal to ten percent of the original completion bond and shall be in cash, certified check, or be made by a bonding/insurance company authorized to do business in Virginia.
- ∅ E. In the event that the applicant wishes to occupy any building or any portion of any building prior to the completion of the required site improvements, the bond guaranteeing improvements shall be retained by the city until the remaining required improvements are completed.

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

§9.3. Defined Terms

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§9.3.1. General terms

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FOOD TRUCK: Any readily movable, mobile food service establishment, ~~to include vehicles or trailers that are self-propelled, pushed or pulled to a specific location~~ engaged in the preparation and/or retail sale of food and/or beverages from a vehicle or trailer specifically designed and equipped for such purpose that is driven or towed to a specific location.

....

HOUSEHOLD: Any of the following: (a) an individual, or two or more persons related to one another by blood, marriage, or legal adoption, living together as a single housekeeping unit in a single dwelling unit; or (b) up to four unrelated persons living together as a single housekeeping unit in a single dwelling unit; or (c) up to eight persons with mental illness, intellectual disability, or developmental disability ~~mentally ill, mentally retarded, or developmentally disabled persons~~, with one or more resident

counselors or other staff persons living together as a single housekeeping unit in a single dwelling unit, which is licensed by the Department of Behavioral Health and Developmental services Services.

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**RESEARCH AND DEVELOPMENT:** ~~A business that engages in research, or research and development, of innovative ideas in technology-intensive fields. Examples include research and development of computer software, information systems, communication systems, transportation, geographic information systems, multi-media and video technology. Development and construction of prototypes may be associated with this use. See §3.4.1.G.4.~~

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SOLAR ENERGY SYSTEM: An energy system consisting of one or more solar collection devices, such as solar panels, and other associated infrastructure with the primary intention of generating electricity, storing electricity, or otherwise converting solar energy to a different form of energy.

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**WAREHOUSE AND FREIGHT MOVEMENT:** See §3.4.1.F.13 §3.4.1.G.5.

....

**WASTE SERVICE:** See §3.4.1.G.5 §3.4.1.G.6.

This Ordinance shall become effective as provided by law.

PUBLIC HEARING: July 26, 2022

ENACTED: July 26, 2022

*David Meyer*

\_\_\_\_\_  
Mayor

*8/15/22*

\_\_\_\_\_  
Date

ATTEST:

*Melanie [Signature]*  
\_\_\_\_\_  
City Clerk

**VOTE:**

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