

ORDINANCE NO. 2024-01

AN ORDINANCE AMENDING CHAPTER 110 (ZONING) TO AMEND PORTIONS OF ARTICLES AND SECTIONS CONTAINED THEREIN, INCLUDING 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 3, §3.3.1, of the Code of the City of Fairfax, Virginia, is hereby amended as follows:

§3.3. Allowed Uses

§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 I	R M	R H	RT -6	R T	R ME	C I	C O	C R	C U		C G	I I
P = PERMITTED / S = SPECIAL USE (§6.7) / * = GROUP OF USES (§3.4.1)													
...													
PUBLIC, CIVIC AND INSTITUTIONAL USES													
Social service delivery.						P	P	P	P	P	P	P	§3.5.2.H
Social service delivery.							S	S		P	P	P	§3.5.2.H
...													

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

§3.4.1. Use Interpretation

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E. Public, civic and institutional use groups

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5. Social service delivery, major

Establishments that provide social service delivery through services such as free or reduced-cost food distribution, free or reduced-cost meal service, free or reduced-cost clothing distribution, personal care facilities such as showering or laundry, and related services, or any similar use. Such establishments may additionally include services as described in §3.4.1.E.6 (Social service delivery, minor).

6. Social service delivery, minor

Establishments that provide social service delivery through services to clients such as recovery and support services, life skills training, day programs for substance abuse services, treatment services and other related services or any similar use.

5 7. Utilities, major

Large-scale utility facilities, such as water or wastewater treatment plants, water tanks, electrical generation plants and substations, telephone exchanges, transmission facilities or any similar use.

6 8. Utilities, minor

All utility facilities not considered major, including, but not limited to neighborhood-serving facilities such as pump stations, lift stations, stormwater detention facilities, or any similar use.

F. Commercial use groups

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9. Services, general

A facility involved in providing general or repair services. General services shall include the following: animal grooming; photocopy; sign-making; security service; taxidermy; or any similar use. General services shall also include the following repair services: bicycles; canvas products; clocks; computers; musical instruments; office equipment; radios; televisions; furniture or any similar use. General services shall also include an upholsterer or locksmith, as well as medical or dental laboratories engaged in the custom fitting or repair of medical or dental appliances. General services does not include any adult 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. Specific Use Standards

§3.5.2. Public, civic and institutional use standards

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H. Social service delivery

1. General

- (a) Overnight accommodations shall not be permitted.
- (b) Hours of operation shall be limited to the hours between 6:00am and 10:00pm, unless further restricted by the city council.
- ~~(e) Facilities providing meals for consumption on the premises must provide specified areas for consuming such meals within buildings.~~
- (c) Prior to the issuance of a zoning permit, any social service delivery use must provide written notification as identified in §6.21.

~~2. Location~~

- ~~(a) Social service delivery shall not be located within 1,000 feet of any use that sells alcoholic beverages, unless waived by the city council, and the distribution or consumption of alcoholic beverages on the premises shall not be permitted. For the purposes of this provision, distances shall be measured on a straight line from the structure containing such use to the nearest point of subject property.~~

~~(b) Social service delivery shall be located within reasonable proximity to public transportation.~~

~~3. Outdoor space~~

~~Social service delivery establishments shall provide a reasonable amount of usable outdoor space in enclosed courtyards, patios or similar areas for the clients of the social service delivery use. The city council may require screening of any such outdoor space.~~

4.2. 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.

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. Specific Use Standards

§3.5.3. Commercial use standards

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J. Vehicle service and vehicle repair

Vehicle service and vehicle repair uses and shall comply with the following requirements:

1. A transitional yard TY3 in accordance with §4.5.5 shall be established along any side of the property adjacent to a residential use;
2. Service bay doors shall not be oriented toward the right-of-way or a residential use, or the service bays shall be screened from view from the right-of-way or adjacent property using landscaping;
3. All repair or service operations, including washing, shall be conducted entirely within a fully-enclosed building;
4. The storage of merchandise and supplies shall be within a fully-enclosed building;
5. Operable vehicles may be parked on-site during business hours. All vehicle parking shall be accomplished on the site, and in no case shall a parked vehicle encroach into the right-of-way;
6. The outdoor overnight storage of vehicles may be allowed subject to §4.10;
7. There shall be no dismantling of vehicles for salvage; ~~and~~
8. The storage of impounded vehicles shall not be permitted; ~~and~~
9. Stacking spaces shall be designed to facilitate safe and efficient on-site circulation and to minimize conflicts with other vehicular and pedestrian traffic.

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. Overlay Districts

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§3.7.2. Historic overlay district

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B. Old Town Fairfax Historic Overlay District

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2. Additional uses

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

(a) Permitted uses

(1) Services, personal

(2) Restaurants or food services, subject to §3.5.3.F

(3) Retail, general (See §3.4.1.F.7 §3.4.1.F.8)

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BE IT FURTHER ORDAINED, by the City Council of the City of Fairfax, Virginia, that Chapter 110, Article 4, §4.2.3, 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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§4.2.3. Parking requirements

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E. Parking ratio requirements

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

USE TYPES/ USE GROUPS*	GENERAL REQUIREMENTS
PUBLIC, CIVIC AND INSTITUTIONAL USES (SEE §3.4.1.E)	
....	
Detention facilities	Determined by zoning administrator per §4.2.10 [1]
....	
Parks and open areas*	Determined by zoning administrator per §4.2.10 [1]
....	
<u>Social service delivery, minor*</u>	Determined by zoning administrator [1]
<u>Social service delivery, major*</u>	Determined by zoning administrator per §4.2.10 [1]
....	
Telecommunications towers/facilities	Determined by zoning administrator per §4.2.10 [1]
....	
COMMERCIAL USES (SEE §3.4.1.F)	
....	
Cemeteries	Determined by zoning administrator per §4.2.10 [1]
....	
<u>Manufacturing, limited*</u>	1 space per 1,000 sq. ft. of floor area
....	
Parking, commercial or municipal	Determined by zoning administrator per §4.2.10 [1]
....	
Recreation, outdoor*	Determined by zoning administrator per §4.2.10 [1]
....	
Schools, technical, trade, business	6 per classroom, plus 1 per 300 sq. ft. of office floor area <u>Determined by zoning administrator [1]</u>
....	

USE TYPES/ USE GROUPS*	GENERAL REQUIREMENTS
INDUSTRIAL USES (SEE §3.4.1.G)	
....	
Crematorium	Determined by zoning administrator per §4.2.10 [1]
....	
Petroleum storage and distribution	Determined by zoning administrator per §4.2.10 [1]
....	

NOTE:

[1] The zoning administrator determines parking requirement based on a parking demand analysis submitted by the applicant, that must include at a minimum, the size and type of the proposed development, the mix of uses, the anticipated rate of parking turnover, the anticipated peak parking and traffic loads of all uses, or other materials as requested.

BE IT FURTHER ORDAINED, by the City Council of the City of Fairfax, Virginia, that Chapter 110, Article 4, §4.2.7, 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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§4.2.7. Stacking spaces

The following vehicle stacking standards shall apply unless otherwise expressly approved by the zoning administrator. The zoning administrator may require additional stacking spaces where trip generation rates suggest that additional spaces will be needed.

A. Minimum number of spaces

Off-street stacking spaces shall be provided as follows:

STACKING SPACE REQUIREMENTS		
FACILITY OR USE	MINIMUM SPACES	MEASURED FROM
Automated teller machine	3	Machine
Bank teller lane	4	Teller or window
Car wash stall, automated	4	Entrance to wash bay
Car wash stall, hand-operated	3	Entrance to wash bay
Day care center drop-off	3	Passenger loading drop-off area
Drive-through windows/facilities	6	Order box, if any

Drive-through windows/facilities	4	Order box to service window <u>Service window, or from order box to service window, if applicable</u>
Gasoline <u>Fuel station pump island</u>	2	Pump island
<u>Fuel station or convenience store, automated car wash as a Retail, convenience use.</u>	<u>3</u>	<u>Entrance to bay</u>
Parking lot, key box controlled entrance	4	Key code box
Parking lot, key fob controlled entrance	1	Entrance to parking lot
Valet parking	3	Valet stand
<u>Vehicle service and vehicle repair, automated car wash</u>	<u>10</u>	<u>Entrance to bay</u>
<u>Vehicle service and vehicle repair, excluding automated car wash</u>	<u>3</u>	<u>Entrance to bay</u>
School drop-off (public and private)	Determined by zoning administrator per §4.2.10 [1]	
Other	Determined by zoning administrator per §4.2.10 [1]	

NOTE:

[1] The zoning administrator determines parking requirement based on a parking demand analysis submitted by the applicant, that must include at a minimum, the size and type of the proposed development, the mix of uses, the anticipated rate of parking turnover, the anticipated peak parking and traffic loads of all uses, or other materials as requested.

BE IT FURTHER ORDAINED, by the City Council of the City of Fairfax, Virginia, that Chapter 110, Article 4, §4.5.1, of the Code of the City of Fairfax, Virginia, is hereby amended as follows:

§4.5. Landscaping

§4.5.1. Purpose

The purposes of §4.5 are to encourage the preservation, planting and proper care of vegetation and trees throughout the city, to replenish tree stock, and to provide for appropriate screening. These actions are intended to contribute to the health, safety and welfare of the city by enhancing pedestrian facilities, decreasing flooding, soil erosion, air pollution and noise, and improving aesthetics in accordance with the comprehensive plan and the requirements of the public facilities manual. The transitional yard requirements and the screening requirements are intended to improve compatibility of uses by providing privacy and enhancing the aesthetic transition between uses.

BE IT FURTHER ORDAINED, by the City Council of the City of Fairfax, Virginia, that Chapter 110, Article 4, §4.5.4, of the Code of the City of Fairfax, Virginia, is hereby amended as follows:

§4.5.4. General

A. What is to be landscaped

All areas that are not impervious (see §1.5.7) shall be landscaped in accordance with the requirements of §4.5.

B. Tree conservation plan required

A tree conservation plan shall be submitted in conjunction with required site plans (see §6.8) in accordance with all requirements of §4.5. Plans shall be prepared and signed by an International Society of Arboriculture Certified Arborist or other qualified professional as approved by the zoning administrator.

B C. Landscape plan required

A landscape plan shall be submitted in conjunction with required site plans (see §6.8) in accordance with the requirements of §4.5. A landscape architect or other qualified professional shall prepare all landscape plans.

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 conservation during land development

A. Tree canopy 10-year tree canopy requirements

The following 10-year minimum tree canopy requirements All land development for which site plan approval is required (see §6.8) shall provide for the conservation of trees on site such that, after ten (10) years, minimum canopy is projected and shall apply in the respective districts:

The following 10-year minimum tree canopy requirements shall provide for the conservation of trees for site development that exceeds 2,500 square feet of land disturbance, such that, after 10 years, minimum canopy is projected and shall apply in the respective districts as follows:

ZONING DISTRICTS		MINIMUM TREE CANOPY (PERCENT)
RESIDENTIAL DISTRICTS		
RL	Residential Low	25
RM	Residential Medium	20
RH	Residential High	20
RT-6	Residential Townhouse	15
RT	Residential Townhouse	15
RMF	Residential Multifamily	10
NONRESIDENTIAL DISTRICTS		

ZONING DISTRICTS		MINIMUM TREE CANOPY (PERCENT)
CL	Commercial Limited	10
CO	Commercial Office	10
CR	Commercial Retail	10
CU	Commercial Urban	10
CG	Commercial General	10
IL	Industrial Light	10
IH	Heavy Industrial	10
PLANNED DEVELOPMENT DISTRICTS		
PD-R	Planned Development Residential	20
PD-M	Planned Development Mixed Use	10
PD-C	Planned Development Commercial	10
PD-I	Planned Development Industrial	10

1. 10-year tree canopy credit

- (a) Tree canopy credit shall be given to existing trees, forested areas, and through tree planting provided that the trees and forested areas meet regulations of §4.5.9.
- (b) When existing trees meet standards of health, condition, and suitability, and when it is feasible to preserve those trees within the framework of permissible uses, densities, design standards, and construction practices, all efforts shall first be made to meet tree canopy requirements through tree preservation before tree planting is allowed to meet any portion of the tree canopy requirement.

B. Street trees

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

1. All street trees shall be planted no less than three feet or more than 15 feet from the back of the curb or edge of pavement.
2. No tree shall be planted within a safe sight triangle (§4.3.4) or closer than 10 feet from any fire hydrant.
3. Understory trees may be approved by the zoning administrator when all above regulations of this section are met and power lines are within 20 feet on center of the street tree.

C. Landscape materials and design

Landscape material used to satisfy the tree requirements of §4.5.6 are subject to the regulations of §4.5.9.

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

§4.5.9. Landscape material and design

A. Landscaping within required landscaped areas

Required landscaped areas must be covered with biodegradable mulch and/or ground cover plants.

B. Plant types

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

1. Canopy trees

(a) Large deciduous shade trees with a mature height of 30 feet or greater and a mature spread of 30 feet or greater trees with a minimum mature height of 30 feet. Such trees shall be a minimum of two-inch caliper and 10 feet in height at time of planting.

(b) Large evergreen trees with a minimum mature height of 30 feet and spread of 15 feet. Such trees shall be a minimum height of eight feet at time of planting.

2. Understory trees

(a) Small deciduous trees or large deciduous shrubs with a mature height of 10 to 30 feet, except under overhead utilities, where lower heights at maturity may be required; or with a mature height of 10 to 30 feet. Such trees shall be a minimum of one and one-half inch caliper and eight feet in height at time of planting.

(b) Trees or large shrubs at least 10 feet tall at maturity that usually have green foliage throughout all seasons of the year. Small evergreen trees with a mature height 10 to 30 feet and maximum spread of 15 feet. Such trees shall be a minimum of six feet at planting.

3. Shrubs

Prostrate or upright woody plants, either evergreen or deciduous, with a mature height usually less than 10 feet. Evergreen shrubs usually have green foliage throughout all seasons of the year.

C. Required fencing and walls

Fencing and walls used for required screening and in transitional yards shall:

1. Be constructed of high quality materials, such as decorative blocks, brick, stone, treated wood, or composite wood-like material complementary to the principal structure; Chain-link fences and barbed wire or concertina wire shall not be utilized for screening purposes;
2. Breaks in the fence or wall may be provided for pedestrian connections to adjacent properties; and

3. The maximum length of a continuous, unbroken and uninterrupted fence or wall plane shall be 100 feet; visual relief shall be provided at intervals not exceeding 100 feet through the use of masonry columns at reasonable intervals.

D. Existing trees and vegetation

Existing ~~non-invasive~~ trees and shrubs count toward satisfying the landscaping regulations of §4.5 if they are located within the subject area and ~~they comply with the plant height and size requirements of §4.5.9~~ plant material exceeds five feet in height at time of plan submission, and if vegetation meets standards for health, condition, and suitability and standards established to manage levels of biodiversity and the spread of invasive plants, pests, and diseases of §4.5.9.E.

1. ~~Tree management~~ conservation plan

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

- (a) The location, size, condition and species of all trees which are at least five inches in diameter to be preserved or removed;
- (b) The location, size and species of all trees to be preserved or removed;
- (c) Specifications for the removal of trees and protection of trees during construction;
- (d) Proposed grade changes or other potentially injurious work adjacent to trees designated for preservation with specifications for maintaining ground drainage and aeration around such trees;
- (e) The location, size and species of all trees to be planted; and
- (f) Such other information that the zoning administrator deems essential.

2. ~~Tree protection~~ preservation during construction

- (a) Existing trees specified on the approved tree conservation plan and landscape plan to remain on the site be preserved shall be protected from ~~vehicular movement and material storage over their root spaces during construction. An undisturbed area with a porous surface shall be reserved around a tree, based on the drip line or as specified by an arborist or landscape architect~~ destruction and managed during all phases of construction.
- (b) ~~A temporary tree protection fence shall be installed along the drip line. Off-site or jointly-owned trees with critical root zones that extend into the site shall be protected from destruction.~~
- (c) Tree protection measures shall be installed and maintained at all phases of construction as shown on the approved site development plan.

3. Tree removal

- (a) Diseased trees or trees weakened by age, storm, fire or other injury may be removed in accordance with this §4.5.9.D.3. Trees that are damaging or can be reasonably expected to damage buildings, streets, sidewalks or other infrastructure may be removed, subject to verification of site conditions by the zoning administrator. All other tree removal should be based on a consideration of the following:

- (1) The effect of the proposed tree removal upon the stabilization of soil, lakes, ponds, streams and rivers;
 - (2) The intended use of the property and feasible alternatives which would preserve existing trees;
 - (3) The existing topography, proposed changes in the topography and proposed landscaping;
 - (4) The hardship imposed or the reasonable use denied to the applicant as a result of permit denial;
 - (5) Historical value of the trees;
 - (6) Good horticultural and forestry practices;
 - (7) The effect of the proposed tree removal on the deadening and absorption of sound;
 - (8) The likelihood that the proposed action will adversely affect the control of flooding or soil erosion;
 - (9) The impact of such action on surrounding property or persons; and
 - (10) The consistency of the proposed action with the purpose of §4.5.1.
- (b) Trees that are approved by the zoning administrator for removal shall be replaced with new trees ~~or large shrubs~~ on the same property and in the same general location.

E. Nursery stock and planting standards

- 1. All plant materials must be living species, non-invasive, and typically representative of species and/or variety stated.
- 2. All plant materials shall meet AmericanHort's American Standards for Nursery Stock and planted in accordance with American National Standards Institute (ANSI) A300 or equivalent standard.
- 3. Plant variety shall be provided for higher levels of biodiversity and to minimize the spread of pests and diseases, or to limit the use of species that cause negative impacts to native plant communities, cause damage to nearby structures, or possess inherent physiological traits prone to structural failure. The zoning administrator may designate trees ineligible for credit or only partial credit towards the tree canopy requirement.

BE IT FURTHER ORDAINED, by the City Council of the City of Fairfax, Virginia, that Chapter 110, Article 4, §4.18.8, of the Code of the City of Fairfax, Virginia, is hereby amended as follows:

§4.18. Chesapeake Bay Preservation

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§4.18.8 Water quality impact assessment

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D. Major water quality impact assessment

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3. The following elements shall be included in the preparation and submission of a major water quality impact assessment:

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- (c) A landscape element that fully describes existing trees required to be identified as part of a tree ~~management~~ conservation plan in accordance with §4.5.9.D.1; limits of clearing and grading; trees and indigenous vegetation that are to be preserved within the disturbed area; measures to be taken to protect vegetation, proposed plantings, and other vegetative measures used to enhance water quality; and a proposed construction schedule that includes all activities related to clearing, grading, and proposed plantings; and

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

§6.2. Common Review Procedures

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§6.2.5. Notice and public hearings

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B. Public notice requirements

1. Published notice

- (a) Where published notice is required, notice of public hearing shall be published once a week for two successive weeks in a newspaper published or having general circulation within the city. ~~The advertised hearing shall be held not less than five or more than 21 days, after the second advertisement shall appear in such newspaper. The first notice shall appear no more than 14 days before the intended adoption.~~ The term “two successive weeks” as used above shall mean that such notice shall be published at least twice with not less than six days elapsing between the first and second publication.
- (b) Notice of public hearing before the planning commission and the city council may be published concurrently. If a joint hearing is held, then published notice as set forth above need be given only by the city council.

2. Mailed notice

(a) Text and map amendments

(1) 25 or fewer parcels

- (i) In addition to published notice, when a proposed amendment of this chapter involves a change in a zoning map classification of 25 or fewer parcels of land, ~~written then, in addition to the advertising as above required,~~ the advertisement shall include the street address or tax map parcel number of the parcels subject to the action. Written notice shall be given at least five days before the hearing to the owner(s), their agent or the occupant of each parcel involved; to the owners, their agents or the occupants, of all abutting property and property immediately across the street or road from the property affected, including those parcels which lie outside the city; and, if any portion of the affected property is within a planned unit development, then to such incorporated property owners’ associations within the planned unit

development that have members owning property located within 2,000 feet of the affected property, as may be required by the commission or its agent.

- (ii) Written notice sent by registered or certified mail to the last known address of such owner as shown on the current real estate tax assessment books or current real estate tax assessment records shall be deemed adequate compliance with this requirement.

- (2) More than 25 parcels or text amendments, decreasing allowed density

When a proposed amendment of this chapter involves a change in the zoning map classification of more than 25 parcels of land, or a change to the applicable zoning ordinance text regulations that decreases the allowed dwelling unit density of any parcel of land, then, in addition to the advertising as above required, ~~written~~ the advertisement shall include the street address or tax map parcel number of the parcels as well as the approximate acreage subject to the action. For more than 100 parcels of land, the advertisement may instead include a description of the boundaries of the area subject to the changes and a link to a map of the subject area. Written notice shall be given, at least five days before the hearing to the owner, owners, or their agent of each parcel of land involved, provided, however, that written notice of such text amendments shall not have to be mailed to the owner, owners, or their agent of lots shown on an subdivision plat where such lots are less than 11,500 square feet.

- (i) If any portion of the affected property is within a development governed by a property owners' association, such notice may be sent to the incorporated property owners' associations, where such association exists that has members owning property located within 2,000 feet of the affected property, as may be required.
- (ii) One notice shall be sent to the last known address of such owner, as shown on the current real estate tax assessment books, by registered or certified mail, provided that first-class mail may be used if the staff mailing such notices makes an affidavit that such mailings have been made and files such affidavit with the papers in the case.

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

§6.10. Tree Removal Permits

§6.10.1. Applicability

- A. Tree removal permits shall be reviewed in accordance with the provisions of §6.10.
- B. Tree removal permits shall be required to remove or destroy any tree which is five inches or greater measured at ~~breast~~ standard height (~~DBH~~ DSH) on any lot larger than one-half acre in the RL, RM and RH zoning districts, and in all other districts. Tree removal permits shall not be required to be obtained prior to removing a tree if the tree has been determined a public health and safety menace in accordance with the applicable provisions of City Code, Chapter 38, Article III.
- C. A site plan review application submitted in accordance with §6.8 may satisfy the application requirements of §6.10.

BE IT FURTHER ORDAINED, by the City Council of the City of Fairfax, Virginia, that Chapter 110, Article 6, §6.10.2, of the Code of the City of Fairfax, Virginia, is hereby amended as follows:

§6.10. Tree Removal Permits

§6.10.2. Application requirements

Applications for a tree removal permit shall include a tree ~~management~~ conservation plan (§4.5.9.D.1) and be submitted in accordance with §6.2.3.

BE IT FURTHER ORDAINED, by the City Council of the City of Fairfax, Virginia, that Chapter 110, Article 6, §6.13.2, of the Code of the City of Fairfax, Virginia, is hereby amended as follows:

§6.13. Chesapeake Bay Reviews

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§6.13.2. Application requirements

A. General

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4. A tree ~~management~~ conservation plan consistent with the provisions of §4.5.9.D.1;

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....

C. Tree ~~management~~ conservation plan

A tree ~~management~~ conservation plan shall be submitted as part of the development review procedures required by §6.13. No clearing, grading, or construction on any lot or parcel shall be permitted without an approved tree ~~management~~ conservation plan. In addition, the following supplemental information shall be provided for land disturbance, development, or redevelopment activity proposed within the resource protection area:

1. Any required buffer area shall be clearly delineated and any plant material to be added to establish or supplement the buffer area, as required by §4.18.7.D, shall be shown on the tree ~~management~~ conservation plan.
2. Within the buffer area, trees to be removed for sight lines, vistas, access paths, and best management practices, as provided for in §4.18, shall be shown on the plan. Vegetation to replace any existing trees within the buffer area shall also be shown on the tree ~~management~~ conservation plan.
3. Trees to be removed for stream bank stabilization projects and any replacement vegetation required by §4.18 shall be shown on the landscaping plan.

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BE IT FURTHER ORDAINED, by the City Council of the City of Fairfax, Virginia, that Chapter 110, Article 6, §6.21, of the Code of the City of Fairfax, Virginia, is hereby amended as follows:

§6.21. Zoning Permits

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For a zoning permit for any social service delivery use, the applicant shall provide written notification by first class mail to the owner of any property that is located within 1,000 feet of the property containing the planned use. This notification shall be made no less than 60 days prior to the issuance of a zoning permit.

BE IT FURTHER ORDAINED, by the City Council of the City of Fairfax, Virginia, that Chapter 110, Article 9, §9.2, of the Code of the City of Fairfax, Virginia, is hereby amended as follows:

§9.2. Abbreviations

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ANSI: American National Standards Institute

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DBH DSH: Diameter at breast standard height (generally 4.5 feet above ground)

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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. Defined Terms

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CAR WASH: A completely fully enclosed structure used, or designed to be used, for the washing, cleaning or waxing of vehicles, which may utilize manual or automated methods such as a chain or other conveyor and blower or steam-cleaning device.

....

CRITICAL ROOT ZONE: The minimum circle whose radius starts at the center of the tree's trunk and extends out, which represents the minimum soil surface or below ground area surrounding a tree where critical roots for health and stability are located. Critical root zone is calculated at one foot radius per inch of diameter measured at standard height (4.5 feet) for any tree greater than five inches. Calculations may vary dependent on tree age, species, and site conditions.

....

FUEL STATION: An establishment providing retail sales of vehicle fuels, which may also provide minor repairs and maintenance vehicle service and/or vehicle repair. This use does not include paint spraying or body repair.

....

SOCIAL SERVICE DELIVERY (MINOR/MAJOR): An establishment where the principal function of the establishment is providing on-site food distribution, free or reduced-cost meal service, free or reduced-cost clothing distribution, counseling, job training, or other related services primarily to persons with limited ability for self-care, those persons in need of employment, or those persons with emotional or behavioral disabilities services to advance the welfare of persons in need, including but not limited to recovery services, life skills training, charitable or reduced-cost distribution of necessities, or similar functions as detailed in §3.4.1.E.5 and §3.4.1.E.6. This term shall not include uses operated by governmental agencies or facilities primarily for the care or treatment of persons who are currently illegally using or are addicted to a controlled substance as defined in Code of

Virginia, §54.1-3401 or organizations with a principal function of providing services to individuals with intellectual or physical impairments. An office where the principal function is the administration of a services delivery establishment and not principally intended for the delivery of a service directly to the client shall not be construed to be social service delivery.

....

TREE: Any living, self-supporting woody plant that produces one main trunk and is 10 feet or greater in height, and 3.50 inches or greater in caliper measured six inches above ground level visually produces a trunk or a more-or-less distinct and elevated head with many branches and typically reaching at least 10 feet in height at maturity. Any reference to tree includes the essential above or below ground tree parts.

TREE CANOPY: The above-ground horizontal spread of a tree at maturity tree’s leaves, branches, and stems.

TREE CONSERVATION: The practice of protecting and maintaining a tree or population of trees, and its growth environment, for defined purpose and benefit. The practice may include tree preservation, management, and/or planting.

TREE, DAMAGE OR DESTRUCTION: To cut down a tree or tree part or perpetrate any intentional or negligent act which will cause a tree to decline substantially or die within a period of two years. This shall include, but not limited to, damage to the root system of a tree by application of toxic substances, operation or storage of equipment and vehicles, or change in natural grade by unapproved excavation or filling within the critical root zone of a tree, or damage caused by unapproved alterations of natural physical conditions, or any other practice deemed destructive to a tree by ANSI A300 standards.

....

UTILITIES, MAJOR: See ~~§3.4.1.E.5~~ §3.4.1.E.7.

UTILITIES, MINOR: See ~~§3.4.1.E.6~~ §3.4.1.E.8.

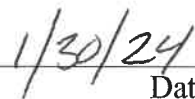
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PUBLIC HEARING: October 10, 2023

ENACTED: January 23, 2024



Mayor



Date

ATTEST:



City Clerk

VOTE:

Mayor Read	Aye
Councilmember Bates	Aye
Councilmember Doyle Feingold	Naye
Councilmember Greenfield	Naye
Councilmember Lim	Naye
Councilmember Ross	Aye
Councilmember Stehle	Aye