

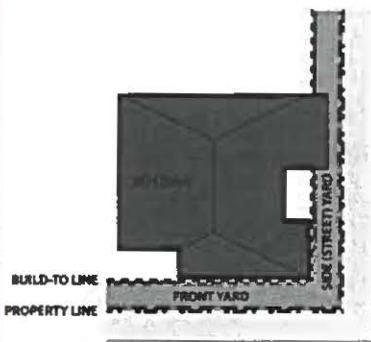
ORDINANCE NO. 2019-02

AN ORDINANCE AMENDING CHAPTER 110 (ZONING) TO AMEND PORTIONS OF ARTICLES AND SECTIONS CONTAINED THEREIN, INCLUDING INTRODUCTORY PROVISIONS, ZONING DISTRICTS AND REGULATIONS, SITE DEVELOPMENT STANDARDS, DEVELOPMENT REVIEW PROCEDURES, ENFORCEMENT AND PENALTIES, AND DEFINITIONS.

BE IT ORDAINED, by the City Council of the City of Fairfax, Virginia, that Chapter 110, Article 1, §1.5.4, of the Code of the City of Fairfax, Virginia, is hereby amended as follows:

§1.5.4. Build-to line

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



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

§1.5.10. Frontage

A. Building frontage

2. Building frontage is measured in a straight line from one end of the wall most nearly parallel to and adjacent to the street, to required parking (§4.2) or recreation and open space (§3.7-~~58.7~~) to the other end of the same wall facing the street, required parking or recreation and open space. Neither articulations nor offsets in the wall shall increase the length of the building frontage.

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	
....			
OVERLAY DISTRICTS			
....			
--	John C Wood House Historic Overlay	-	John C Wood House Historic Overlay
....			

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

§3.2.2. Overlay districts

A. Historic overlay districts

~~4. John C. Wood House Historic Overlay District  
There is hereby created a historic overlay district to be known as the John C. Wood House Historic Overlay District, the boundaries of which are to be set forth on the city's official zoning map.~~

**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

....  
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	I H	
P = PERMITTED / S = SPECIAL USE (§6.7) / * = GROUP OF USES (§3.4.1)														
.... Furniture, and-appliance or <u>carpet/flooring</u> stores									P	P	P	P		
.... Manufacturing, heavy*													S	<u>§3.5.4.C</u>
Manufacturing, limited*												P	P	<u>§3.5.4.D</u>
....														

**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

....  
F. Commercial use groups

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

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

7. Retail, general  
A primarily indoor facility involved in the wholesale or retail sale, lease, or rental of new or used products. General retail includes the selling, leasing or renting of the following goods: antiques; art supplies; bicycles; cameras; cash for gold shops; carpet and floor coverings; crafts; clothing; computers; dry goods; drug stores; electronic equipment; fabric; garden supplies; hardware; household products; jewelry; medical supplies; musical instruments;



music; pawn shops; pets; pet supplies; pharmaceuticals; printed materials; sporting goods; vehicle parts; or any similar use. General retail does not include any adult use.

8. Services, general

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

G. Industrial use groups

3. Manufacturing, limited

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

**BE IT FURTHER ORDAINED, by the City Council of the City of Fairfax, Virginia, that Chapter 110, Article 3, §3.5.4, of the Code of the City of Fairfax, Virginia, is hereby amended as follows:**

§3.5.4. Industrial use standards

A. Fuel sales, residential

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

B. Manufacturing, general

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

C. Manufacturing, heavy

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

D. Manufacturing, limited

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

E. Vehicle storage and towing

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

2. A transitional yard TY34 in accordance with §4.5.5 shall be established along any side of the property adjacent to a residential use.

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

F. Waste service

1. A transitional yard TY34 in accordance with §4.5.5 shall be established along any side of the property adjacent to a residential use.

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

**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

D. Accessory use standards

1. Accessory dwelling units



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

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

**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

##### A. Purpose and intent

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

##### B. Permitted temporary uses

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

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

##### C. Temporary uses allowed without a permit

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

###### (a) Minor events

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

- (1) Duration of less than 12 hours per event;
- (2) Daylight hours only; No activity after dark or 9pm whichever comes first;
- (3) No loud, disturbing and unnecessary noise as specified in City Code Chapter 38;
- (4) No dancing and entertainment activities, as defined;
- (5) Adequate provisions must be made for on-site parking, available street parking or other arrangements, and safe ingress and egress must be provided;
- (6) Signs for minor events shall comply with §4.6.12.G; and
- (7) No more than four events per year.

###### (b) Retail sales events and promotions, outdoor

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

- (1) Limited to normal hours of operation for the established retail business;
- (2) Any display must be brought indoors prior to close of business each day;
- (3) No loud, disturbing and unnecessary noise as specified in City Code Chapter 38;
- (4) Signs for retail sales events and promotions shall comply with §4.6.12.B provided such sign is only displayed during the event; and
- (5) No more than three consecutive days, no more than four times per year.

###### (c) Seasonal sales, temporary

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

- (1) No more than 45 consecutive days;



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

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

CD. General standards

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

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

1. Applicability

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

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

2. Maximum size and number

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

3. Location

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

4. Design, management and maintenance

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

5. Screening



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

6. Signage and information

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

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

~~EE.~~ Construction offices, temporary

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

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

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

~~G. — Retail sales events, outdoor~~

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

H. Residential sales offices and model homes, temporary

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

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

I. Residence, temporary

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

J. Special events, temporary

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

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

~~K. — Seasonal sales, temporary~~

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

~~LK.~~ Storage pods, temporary

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

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

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



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

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

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

4. Stacking of storage pods is prohibited.

**ML.** Vehicle storage, temporary

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

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

§3.7.2. Historic overlay district

**B.** Old Town Fairfax Historic Overlay District

1. Applicability

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

4. Dimensional standards

(d) Required yards (setbacks)

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

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

(i) 10 feet

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

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

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

~~1. Prohibited uses~~

~~(a) Electric transformers and substations~~

~~(b) Telephone repeater stations~~

**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

C. Dimensional standards

3. Required yards (setbacks)

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

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

(1) 10 feet

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

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

D. Sidewalk

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

E. Street trees

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

~~EF.~~ Off-street parking

~~FG.~~ Signs

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

§3.7.4. Architectural control overlay district

D. Design guidelines and standards

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

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

§3.8.7. Recreation and Open Space

B. Configuration and use

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

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

MINI-PARK (PRIVATE ONLY)

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

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



**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:

§4.2.3. Parking requirements

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

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

§4.5.5. Transitional yards

C. Transitional yard types

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

1. District boundary transitional yards

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

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

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

§4.5.9. Landscape materials and design

B. Plant types

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

1. Canopy trees

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

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

§4.6.4. Prohibited signs

B. Prohibited sign types

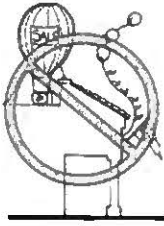
The following sign types are specifically prohibited.

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, ~~and stick in the ground signs;~~

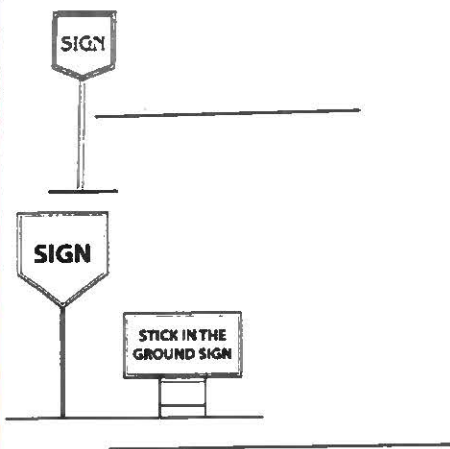


provided, traditional barber pole signs may include the traditional spinning, red/white, internal element.



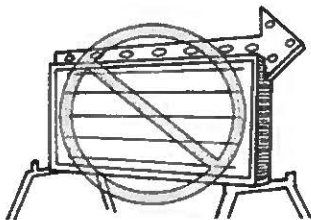
3. Pole (or pylon) and stick in the ground signs

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



4. Portable signs

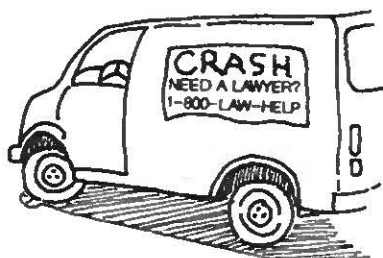
Any sign not permanently attached to the ground or other permanent structure or a sign designed to be transported, including, but not limited to, signs designed to be transported by means of wheels; ~~and signs attached to or painted on vehicles parked and visible from the public right-of-way, unless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



....

6. Signs on vehicles ~~or~~ trailers

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



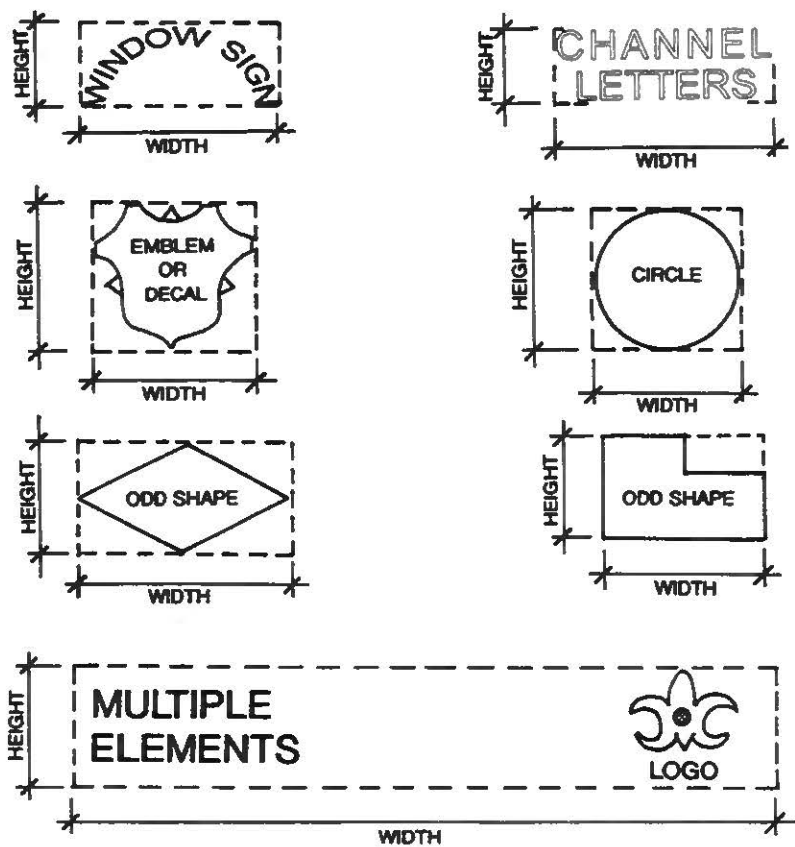
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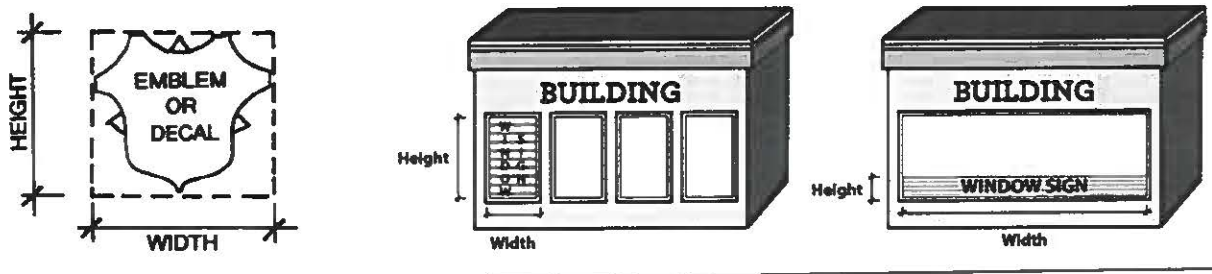
**BE IT FURTHER ORDAINED**, by the City Council of the City of Fairfax, Virginia, that Chapter 110, Article 4, §4.6.5, of the Code of the City of Fairfax, Virginia, is hereby amended as follows:

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



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.



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

§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.

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

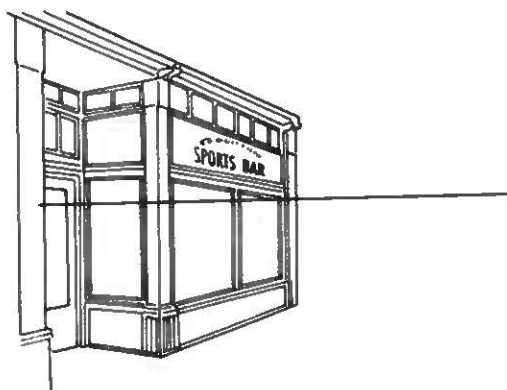
§4.6.8. Signs allowed by district  
Signs types shall be allowed as specified in the table below.

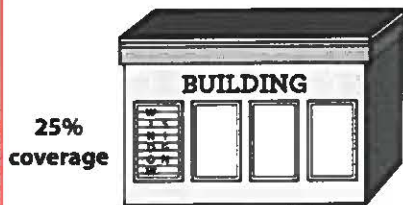
- C. General use districts  
Signs in general use districts shall be allowed by district in accordance with the table below.  
KEY:  
A = signs or other devices allowed without a sign permit  
P = signs permitted only after issuance of a sign permit (See §6.9 for more information)  
blank box = sign type prohibited in the respective district

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

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

- §4.6.11. Special signs
- F. Hardship signs
5. Location
- (a) Hardship signs may be attached to an accessory building or structure, other than a pylon.
- I. Window signs





....

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

#### §4.6.12. Temporary signs

....

##### B. Announcement or promotional signs

##### 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.

##### 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 ~~20~~32 square feet.

##### 3. ~~Number~~

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

##### 4. Location

Located must not impede pedestrian flow.

##### 5. Height

Not to exceed five feet in height.

##### 6. Duration

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

##### G. 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 window signs may be located or on the subject land at least 10 feet from all property lines where no building exists.

##### 4. Duration

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

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



#### §4.8.2. Prohibited lighting

A. The following are expressly prohibited:

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

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

#### §4.8.3. Exempt lighting

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

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

**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

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

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

#### §4.15.11. Subdivision standards

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

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

#### §4.15.13. Special exceptions

- A. The board of zoning appeals may, by special exception, permit within the floodplain additional uses where such uses are not permitted uses specified in §4.15.67, provided that:
1. Such additional use is permitted in the underlying zoning district;
  2. Special exceptions shall be granted only in accordance with the procedures and limitations established for special use permits in §6.7; and
  3. The special exception granted represents the minimum variation necessary to afford relief.

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

§6.5.7. Approval criteria

A. General

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

**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:

§6.9.1. Applicability

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.

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

§6.15.1. Applicability

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

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

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

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

§6.16.1. Applicability

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

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

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

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

§6.22.1. Applicability

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



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

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

**§6.23. Appeals to court**

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

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

**§8.3.7. Criminal penalties**

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

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

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

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

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

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

**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:**

**§9.3.1. General terms**

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

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

This ordinance shall become effective upon adoption.

PUBLIC HEARING: January 22, 2019

ADOPTED: January 22, 2019

*Dailymann*

Mayor

*1/30/19*

Date

ATTEST:

*Melanie R. Crander*  
City Clerk

Votes

Councilmember DeMarco	Aye
Councilmember Lim	Aye
Councilmember Miller	Aye
Councilmember Passey	Aye
Councilmember Stehle	Aye
Councilmember Yi	Aye