

**ADOPTION OF AN AMENDMENT TO CHAPTER 112
(ZONING) OF THE 1976 CODE OF THE COUNTY OF FAIRFAX, VIRGINIA**

At a regular meeting of the Board of Supervisors of Fairfax County, Virginia, held in the Board Auditorium, Lobby Level, Government Center Building, 12000 Government Center Parkway, Fairfax, Virginia, on Tuesday, November 17, 2015, the Board after having first given notice of its intention so to do, in the manner prescribed by law, adopted an amendment to Chapter 112 (Zoning) of the 1976 Code of the County of Fairfax, Virginia, said amendment so adopted being in the words and figures following, to-wit:

**BE IT ORDAINED BY THE BOARD OF SUPERVISORS OF FAIRFAX
COUNTY, VIRGINIA:**

Amend Chapter 112 (Zoning Ordinance), as follows:

Amend Article 10, Accessory Uses, Accessory Service Uses and Home Occupations, Part 1, Accessory Uses and Structures, Sect. 10-102, Permitted Accessory Uses, by adding new Par. 34 to read as follows:

34. Donation drop-off boxes, but subject to the following:
 - A. Donation drop-off boxes shall be permitted:
 - (1) In the C-5 through C-9 districts on a lot containing not less than 40,000 square feet;
 - (2) In the commercial area of a P district, when ancillary to the principal use and only when shown on an approved development plan;
 - (3) In the R district where the principal use of the development is not residential;
or

- (4) When the donation drop-off box is specifically identified on an approved development plan that is approved in conjunction with (i) an approval by the BZA of a special permit for another use or (ii) an approval by the Board of a proffered rezoning or a special exception for another use.

The owner or operator of the donation drop-off box shall obtain written permission from the property owner, lessee, or their authorized agent to place the donation drop-off box on the property. When requested by Fairfax County, the property owner, lessee, donation drop-off box operator or owner, or their authorized agent shall make such written consent available for review.

- B. A maximum of two (2) donation drop-off boxes shall be permitted on any one (1) 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 (7) feet in height, six (6) feet in width or six (6) feet in length.
- C. Donation drop-off boxes shall be permitted in any yard except the minimum required front yard and shall be screened from view from the first-story window of any neighboring dwelling.
- D. Donation drop-off boxes shall not be located in any required open space, transitional screening yard, 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 sight distance provisions of Sect. 2-505.
- E. 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.
- F. 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. 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.

G. 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:

- (1) The specific items and materials requested;
- (2) The name of the operator or owner of the container;
- (3) The 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;
- (4) A telephone number where the owner, operator or agent of the owner or operator may be reached at any time.
- (5) A 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."

Amend Article 20, Ordinance Structure, Interpretations and Definitions, Part 3, Definitions, Sect. 20-300, by adding a new definition in alphanumeric order to read as follows:

DONATION DROP-OFF BOX: Any portable outdoor container intended or used for the collection and storage of unwanted textile and household items such as clothing, toys, books, and shoes, which are removed from the container on a periodic basis. For purposes of this Ordinance, a donation drop-off box shall not be deemed to include a RECYCLING CENTER or SOLID WASTE COLLECTION FACILITY.

This amendment shall become effective on November 18, 2015 at 12:01 a.m.

GIVEN under my hand this 17th day of November, 2015.

CATHERINE A. CHIANESE
Clerk to the Board of Supervisors