



# County of Fairfax, Virginia

To protect and enrich the quality of life for the people, neighborhoods and diverse communities of Fairfax County

**AUGUST 10, 2023**

## **ZONING ORDINANCE AMENDMENT LANDSCAPING & SCREENING DRAFT TEXT**

The Zoning Ordinance Work Program directs staff to work with an interagency work group to research and conduct outreach on a review of the landscaping and screening provisions of the Zoning Ordinance. These provisions are contained in Section 5108 which addresses general landscaping standards, parking lot landscaping, transitional screening, and barrier requirements, waivers and modifications, and maintenance.

The Zoning Ordinance landscaping and screening provisions were first adopted in 1978 and have largely remained untouched. However, Zoning Ordinance Amendment ZO-08-413, which was adopted by the Board of Supervisors (the Board) on October 20, 2008, addressed the tree conservation provisions. Through that amendment the tree cover provisions were removed from the Zoning Ordinance and incorporated into Chapter 122 of the Fairfax County Code (FCC) and the Public Facilities Manual (PFM). Additionally, changes were made to the landscaping and screening provisions through the creation of a purpose and intent statement, reducing the density of plant materials required for transitional screening, and clarifying the maintenance requirements.

The Zoning Ordinance is only one of many regulations that address landscaping and trees. While staff is not reviewing the other regulations, updates to those resources, such as those in the PFM, may be needed in the future. Other regulations include:

<b>Topic</b>	<b>Resource</b>	<b>Administrating Agency</b>
Conservation of trees during land development	Code of Virginia 15.2-961.1	LDS, UFMD
Tree Conservation Ordinance	FCC Chapter 122	LDS, UFMD
Tree Conservation	PFM Chapter 12 <sup>1</sup>	LDS, UFMD
Health and Safety Menaces	FCC Chapter 46	DCC, HD
Heritage, Specimen, Memorial and Street Trees	FCC Chapter 120	UFMD
Chesapeake Bay Preservation Ordinance	FCC Chapter 118	LDS
Stormwater Management Ordinance	FCC Chapter 124	LDS
Storm Drainage	PFM Chapter 6	LDS
Street Trees	Urban Design Guidelines	DPD

<sup>1</sup> This includes standards for preserving trees and forested areas; tree conservation plan requirements; tree selection and canopy cover guide; and standards for field practice. (<https://online.encodeplus.com/reg/fairfax-county-va-pfm/doc-viewer.aspx?secid=564>)



Staff established an interagency work group in September 2022 to perform a comprehensive review of the existing Zoning Ordinance regulations. The work group discussed how these regulations are administered and implemented, challenges they have encountered, and possible changes that could be addressed through this amendment process. The group includes staff from the Zoning Administration Division, Zoning Evaluation Division, and Urban Centers and Community Revitalization Sections of the Department of Planning and Development; Site Code Research and Development Branch and the Forest Conservation Branch of the Department of Land Development Services; Urban Forest Management Division and Stormwater Planning Division within the Department of Public Works and Environmental Services; and Office of Environmental and Energy Coordination. In addition to these staff members, a consultant team from Clarion Associates<sup>2</sup> and LSG Landscape Architecture<sup>3</sup> has been engaged to provide feedback and guidance on our current regulations as well as best practices, perform jurisdictional research, and serve as a subject matter expert on our work group meetings. The consultant has provided a report detailing their research, analysis, and recommendations.

This document presents a discussion of the existing provisions, proposed changes, public outreach, and next steps. This document is organized as follows:

**A. Proposed Amendment**

1. Restructuring
2. Purpose
3. Vegetation
4. Parking Lot Landscaping
5. Transitional Screening and Barriers
6. Utility Easements
7. Street Frontage Landscaping
8. Waivers and Modifications
9. Maintenance

**B. Community Outreach and Next Steps**

**C. Attachments**

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**A. Proposed Amendment**

The scope of this amendment is limited to Section 5108, Landscaping and Screening, which currently contains provisions for parking lot landscaping, transitional screening, and barrier requirements. While there are other sections of the Zoning Ordinance that address related provisions, such as the minimum open space requirements within Article 2, this amendment is focused on landscaping and screening and does not address those provisions. Review of those related provisions may be included as part of separate amendments under several Work Program topics, such as Climate Action and Resiliency. A summary of the proposed revisions is provided by topic area below:

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<sup>2</sup> <https://clarionassociates.com/>

<sup>3</sup> <https://www.lsginc.com/>

**1. Restructuring**

Section 5108 is proposed to be reorganized to reflect the life cycle of establishing landscaping. See Table 1. This is echoed through administrative and general provisions being provided first, leading into the landscaping requirements, how to waive or modify the requirements, and concluding with the maintenance subsection and a reference to the Tree Conservation Ordinance. Additionally, a new subsection on street frontage landscaping is being integrated as part of the Section.

<b>Subsection</b>	<b>Existing Structure</b>	<b>Proposed Structure</b>
5108.1	Applicability and Administration	Applicability and Administration
5108.2	Landscaping Plan and Planting Requirements	General Landscaping Standards (including Landscaping Plan and Planting Requirements)
5108.3	General Landscaping Standards	Street Frontage Landscaping
5108.4	Maintenance	Parking Lot Landscaping
5108.5	Parking Lot Landscaping	Transitional Screening and Barriers
5108.6	Transitional Screening and Barriers	Waivers and Modifications
5108.7	Waivers and Modifications to Transitional Screening and Barriers	Maintenance
5108.8	Tree Conservation	Tree Conservation

**Table 1. Structure of Section 5108**

**2. Purpose**

The purpose statement for Section 5108 addresses using landscaping and screening to create an attractive and harmonious community, conserve natural resources, and lessen the impacts of wind, heat, noise, dust, and glare. Staff proposes to broaden this statement to support placemaking, encourage mixed-use developments, as well as enhance ecological and social or recreational spaces.

**3. Vegetation**

The conservation of existing vegetation has many environmental benefits such as carbon sequestration and management of vital atmospheric, water, soil, and ecological resources.<sup>4</sup> Subsection 5108.3.C allows suitable existing vegetation to be used to meet the landscaping and screening requirements. However, subsection 5108.6 requires transitional screening to be comprised of a mixture of 70 percent evergreen trees, and no more than 35 percent of any single species of evergreen or deciduous tree. Additionally, there needs to be a mixture of predominately medium evergreen shrubs at a rate of three shrubs for every ten linear feet. Much of the existing vegetation within the county is deciduous trees and there are only six native evergreen tree species listed in the PFM. Therefore, these specific planting requirements cannot typically be met through use of existing vegetation. Instead of removing existing

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<sup>4</sup> Chapter 122 Purpose and Intent [https://library.municode.com/va/fairfax\\_county/codes/code\\_of\\_ordinances?nodeId=THCOCOFVII1976\\_CH122TRCOOR](https://library.municode.com/va/fairfax_county/codes/code_of_ordinances?nodeId=THCOCOFVII1976_CH122TRCOOR)

vegetation and planting new trees to meet the required percentage of evergreen trees, modifications have been approved. These modifications allow the existing vegetation to be reviewed on a case-by-case basis to ensure the appropriate amount of screening is provided. During public outreach, support was expressed for retaining existing vegetation. Additionally, there was strong support for the use of native trees. Mature trees, especially native species, provide greater ecosystem, wildlife, and climate benefits than newly planted vegetation. The ability to use existing vegetation to meet landscaping and screening requirements can be a financial incentive for developers which can minimize the cost of purchasing new landscaping materials to meet the requirements.

Additionally, staff heard an overwhelming amount of support during the outreach process for the use of native and environmentally tolerant<sup>5</sup> landscaping to meet parking lot landscaping requirements. To further facilitate and encourage the use of existing vegetation and native trees, staff proposes to allow a variation in the required mix of evergreen and deciduous trees. An alternative mixture of evergreen and deciduous trees resulting in no less than 50 percent evergreen trees would be permitted if 25 percent of the transitional screening area is comprised of existing vegetation or native deciduous trees. Staff would advertise a range for the Board's consideration of 30 to 70 percent evergreen trees and a retention percentage of 15 to 35 percent. Additionally, staff is proposing that preference should be given to native and environmentally tolerant landscaping during tree selection.

#### **4. Parking Lot Landscaping**

Parking lot landscaping provides shade to vehicles parked within the parking lot or top level of a parking structure. This shade provides environmental benefits such as carbon sequestration and reducing the impacts of the urban heat island effect. In addition to providing shade, the trees can enhance the development's design thereby enticing people to visit the property which can lead to placemaking.

##### Applicability

Currently, the Zoning Ordinance requires parking lot landscaping for parking lots with 20 or more parking spaces. During staff review of the parking lot landscaping requirements in neighboring jurisdictions, parking lot landscaping was required for parking lots containing as few as six to ten spaces. Staff believes a reduction in the threshold will promote better planting and canopy coverage within parking areas. There was support for reducing the number of parking spaces that require parking lot landscaping during the public outreach process though there were a few comments noting that a property containing less than 20 parking spaces is likely a smaller property that could have site constraints leading to potential difficulty in meeting the parking and landscaping requirements. Many of the constrained sites are in the Commercial Revitalization Districts (CRDs). The existing CRD provisions<sup>6</sup> allow for additional flexibility for interior parking lot landscaping when the Director determines that it is

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<sup>5</sup> Species that have environmental tolerances are identified in Table 12.14 Tree Selection and Canopy Cover Guide of the PFM.

<sup>6</sup> <https://online.encodeplus.com/reg/fairfaxcounty-va/doc-viewer.aspx?tocid=001.006.001.002.003#secid-2239>

not feasible to meet the requirements or compliance with the requirement will adversely impact the required off-street parking. Additionally, there are existing opportunities for waivers or modifications for peripheral parking lot landscaping when it is determined that it is not feasible to meet the requirements due to the expansion or enlargement of the existing development. Staff proposes to reduce the applicability requirement for parking lot landscaping from the current 20 or more spaces to ten or more parking spaces. This change will provide more landscaping within a greater number of parking lots and increase tree canopy coverage within smaller parking lots which will support the revised purpose statement including the reduction in urban heat island effects.

#### Interior Parking Lot Landscaping

Currently, when parking lot landscaping is required, landscaping must cover a minimum of five percent of the total area of the parking lot, which is implemented in accordance with §12-0314 of the PFM.<sup>7</sup> The requirement of five percent is consistent with the percentage of interior parking lot landscaping required in Loudoun County and Prince William County. However, nationally, in comparable communities, our consultants have seen five percent required for dense/transit areas, ten percent in other urban areas, and 15 percent in suburban/rural areas. The amount of interior parking lot landscaping required is dependent on the number of parking spaces contained in a “parking lot.” The Zoning Ordinance definition of a parking lot includes the entire surface of the parking lot, vehicular access to the parking lot, loading spaces, drive-through spaces, and the exposed surfaces of parking structures. Through this amendment, staff proposes to increase the percentage to ten percent to address previously mentioned environmental impacts. This increase in parking lot landscaping would provide a meaningful impact to the landscaping and tree cover provided.

Staff has been mindful of how the revised Parking Reimagined Zoning Ordinance Amendment (Parking Reimagined) parking rates relate to the interior parking lot landscaping requirements. LSG Landscape Architecture calculated the interior parking lot landscaping for the current parking rates with five percent interior parking lot landscaping as well as the proposed minimum requirements (base rate) with ten percent. Table 2 details scenarios for office and retail sales. For the office scenario, with the Parking Reimagined rate and the increase in interior parking lot landscaping, the required trees increase from 21 to 27 trees. Meanwhile, the retail sales scenario resulted in an increase from two to three trees.<sup>8</sup>

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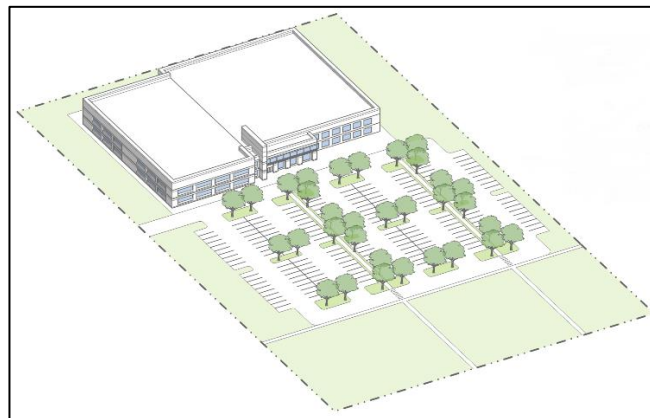
<sup>7</sup> <https://online.encodeplus.com/regs/fairfaxcounty-va-pfm/doc-viewer.aspx#secid-585>

<sup>8</sup> Tree count depends on the Category, species, and additional species credits which may be applied per Table 12.14 of the PFM. The trees used in this analysis are Category IV shade trees (projected 10-year canopy area with a 3” caliper planting is 250 square feet; required minimum planting area is 130 square feet).

Scenario	Use/Description	Parking Rate	Req. Parking	Interior Parking Lot Landscaping
Current	Office 100,000 sf of GFA	3 spaces per 1,000 sf	300 spaces	5%: 5,084 sf of canopy area required (21 shade trees)
Proposed ZOAs	Office 100,000 sf of GFA	2 spaces per 1,000 sf	200 spaces	10%: 6,740 sf of canopy area required (27 shade trees)
Current	Retail Sales, General 5,000 sf of net floor area and 5,900 sf of GFA	1 space per 200 sf of net floor area for the first 1,000 sf, plus 6 spaces per each additional 1,000 sf	29 spaces	5%: 422 sf of canopy area required (2 shade trees)
Proposed ZOAs	Retail Sales, General 5,000 sf of net floor area and 5,900 sf of GFA	4 spaces per 1,000 sf of GFA	23 spaces	10%: 694 sf of canopy area required (3 shade trees)

**Table 2. Parking Rates and Interior Parking Lot Landscaping Percentages**

Additionally, the Zoning Ordinance requires interior parking lot landscaping to be dispersed throughout the parking lot to maximize the shade provided to the parked vehicles. While this language allows for flexibility in design, other jurisdictions require specific locations where trees should be planted. For instance, Loudoun and Arlington Counties require landscaping to be provided at the end of every row of parking spaces. Meanwhile, Montgomery County limits the maximum number of parking spaces between planting areas to 20 parking spaces. Howard County reframes this requirement to be one planting area per every 20 parking spaces. Similarly, Prince George’s County requires an average of one planting areas per every ten contiguous parking spaces. Staff proposes to establish a spatial requirement of an average of one planting area for every ten contiguous parking spaces. Figure 1 shows an example of this proposed requirement. Staff proposes to advertise a range for the Board’s consideration of one planning area for every ten up to 20 parking spaces.



**Figure 1. Example Planting Area Distribution**

Currently, the parking lot landscaping requirements apply to both surface parking lots as well as parking structures. However, the top level of a parking structure is not the best environment for trees, and they typically do not grow enough to provide the intended shade. Though some developments have provided interior parking lot landscaping on the parking structures, others have provided the required amount of landscaping on the ground level around the base of the parking structure which is a permitted modification of the requirements. This application of the provisions does not provide shade to the top level of the parking structure when the landscaping is installed at the ground level. Providing shade on the top level of a parking structure is important to help reduce environmental impacts and improve air quality. Therefore, staff proposes that shade structures that provide shade to ten percent of the total exposed area of the exposed parking structure be required. Shade structures could include canopies, canopies with vegetative roofs, or solar canopies. The canopy would need to be permanent and not made of temporary material such as fabric. Lastly, to encourage solar canopies and increase the amount of renewable energy within the county, staff proposes the ability to reduce the required shade by-right to five percent if the shade is provided through a solar canopy. Alternatively, the shade could be provided by trees, but they would need to be located on the parking structure, not around the base.

#### Peripheral Parking Lot Landscaping

As noted above, peripheral parking lot landscaping is currently required for parking lots of 20 or more parking spaces. When the property abuts street right-of-way, a ten-foot-wide landscaping strip is required between the parking lot and the property line. Within this landscaping strip, one tree is required for every 40 linear feet. Staff proposes to reduce this ratio to one tree for every 30 linear feet to increase the amount of trees lining our roadways and to be aligned with the proposal for street frontage landscaping (discussed later in this paper) and the urban design guidelines. When the parking lot does not abut street right-of-way, the Zoning Ordinance requires a landscaping strip in accordance with the PFM. This reference to the PFM was added as part of the Zoning Ordinance Modernization (zMOD) project and replaced the specific planting requirements in the previous Ordinance. However, to minimize confusion, staff proposes to restore standards to the Zoning Ordinance. The proposed standard would require an eight-foot-wide landscaping strip, increasing the requirement from a four-foot-wide strip in the previous Zoning Ordinance. Trees would be required to be planted every 50 linear feet.

Additionally, to improve visual separation and the screening of vehicle headlight glare, a requirement for shrub plantings to be part of the peripheral parking lot landscaping is proposed. This new provision includes a planting requirement of eight shrubs for each 30 linear feet of the landscaping strip, with the shrubs being 30 inches in height at the time of planting for a height of three feet at maturity. A range of six to ten shrubs and a planting height of any size would be advertised for Board consideration.

### Parking Lot Lighting

The location of parking lot lighting can hinder the placement of interior parking lot landscaping. An uneven distribution of parking lot landscaping can result when placement of the light poles takes precedence over the placement of landscaping. Additionally, locating light poles away from trees ensures that the parking lot lighting is not obstructed, which contributes to the safety and security of the parking lot after dark. Therefore, staff proposes to require light poles to be located at least 15 feet from a tree planting. The Town of Leesburg similarly does not allow trees to be planted within 20 feet of a light pole.

## **5. Transitional Screening and Barriers**

Transitional screening and barriers are provided between dissimilar uses to reduce the impact of the more intensive use.

### Screening Requirements

There are three types of transitional screening (Types 1, 2 and 3) which requires an unbroken strip of open space with specific width (25, 35 or 50 feet) and planting requirements. Transitional screening must be provided by a use, typically more intensive, located contiguous to another use, typically less intensive. Currently, a single-family attached dwelling is required to provide a 25-foot-wide transitional screening strip and a 42 to 48-inch-tall solid wood or otherwise architecturally solid fence<sup>9</sup> when abutting a single-family detached dwelling. In staff's opinion, single-family attached and detached dwellings are not incompatible uses and staff proposes to remove this requirement. There are many single-family developments within the county that have been purposefully designed with a mix of single-family detached and attached units. A 25-foot-wide transitional screening requirement is still proposed between single family and multifamily developments. To encourage pedestrian connections, when a pedestrian connection cannot be designed parallel to the transitional screening, a sidewalk, trail or shared use path may be allowed within the transitional screening if the connection runs perpendicular through the transitional screening and the width of the trail is not more than ten feet.<sup>10</sup>

### Barriers

The Zoning Ordinance details eight barrier requirements varying from walls, hedges, and fences. One of these barrier requirements is an evergreen hedge (Barrier Type C) which is required to be 42 to 48 inches in height with a minimum planting size of 36 inches and planted 36 inches on center. Staff proposes to remove this spacing requirement and incorporate language requiring the creation of a uniform hedge at maturity. Planting location and density can be determined by County Urban Foresters during review of the Landscape Plan. Additionally, Barrier Types D and G allow a chain link fence to be used as a barrier.<sup>11</sup> A chain link fence does not provide a similar opacity and a visual screening as the other barrier

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<sup>9</sup> A 42-48-inch-tall wall of brick or architectural block may be required by the Director.

<sup>10</sup> During the entitlement process, Fairfax County Department of Transportation seeks a width of eight to ten feet for trails and shared use paths.

<sup>11</sup> Barrier Type D requires a height of 42 to 48 inches while Barrier Type G requires the fence to be 6 feet in height.



requirements of a brick or architectural block wall; solid wood or otherwise architecturally solid fence; or evergreen hedge. Therefore, it is not achieving the intent of barrier requirements to visually screen incompatible land uses. Instead, a chain link fence provides a security function by restricting ingress/egress to a property. Lastly, through the conversion of the table, Barrier H (a variety of trees with a height of six feet) is no longer being utilized. Therefore, staff proposes to remove these barrier types.

#### Applicability

Transitional screening and barriers are not only required for uses contiguous to the subject property but for uses located across the street. This is one of the more common waiver or modification requests during the entitlement process as well as site plan review for by-right projects. Given the physical separation provided by a street, staff proposes to remove the requirement to provide transitional screening and barriers for uses that are located across a street. However, peripheral parking lot landscaping and street frontage landscaping would apply along a right-of-way.

The Zoning Ordinance applies the more stringent requirements of transitional screening and barriers when a structure contains more than one use. For example, currently an office is required to provide Type 2 (35 feet) when located next to a single-family detached dwelling while a financial institution is only required to provide Type 1 (25 feet). Therefore, a building that contained both offices and a financial institution that is locating next to a single-family detached dwelling would need to provide Type 2 (35 feet). However, the Director of LDS may impose the less stringent requirement depending on the arrangement of the uses within the structure. The current provisions do not address requirements for mixed-use developments located in a Planned District, except in the PTC District.<sup>12</sup> Considering the site-specific design that is required as part of the approval process, staff proposes that transitional screening and barriers in mixed-use developments within Planned Districts apply at the periphery of the development and not to individual uses within the development.

#### Transitional Screening and Barrier Table Structure

Currently, Table 5108.2 organizes the required transitional screening and barrier types by use. Individual land uses are organized into 18 different groups that require screening and/or barriers from one another. Staff proposes to simplify the table structure by using the use classifications, and select uses, established in the Use Tables rather than the existing groupings that were carried over from the previous Zoning Ordinance. In converting the table, staff tried to carry forward existing requirements and minimize the number of changes proposed; however, there were instances where the conversion resulted in increased or decreased required transitional screening. The conversion of the table is an ongoing conversation and further changes may be proposed.

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<sup>12</sup> The PTC, Planned Tysons Corner Urban District, states the requirements of Section 5108 only apply at the peripheral boundary of the Tysons Urban Center, as identified in the Comprehensive Plan.

## **6. Utility Easements**

Other jurisdictions have incorporated provisions that address conflicts between utility easements and landscaping requirements. Arlington County prohibits the placement of utilities in tree pits. Loudoun County allows new utility easements to be located amongst their required landscaping if the plantings are compatible with the easement. Meanwhile, Prince William County prohibits utility easements to be in the required landscaping. Staff proposes, to the extent practicable, to require new utility easements to be located outside of required landscaping, except to cross perpendicularly. These easements can be placed in other locations on the property such as within the parking lot.

## **7. Street Frontage Landscaping**

Except when transitional screening or peripheral parking lot landscaping is required, the Zoning Ordinance does not currently address planting requirements on private property along roadways. This is a common practice amongst our jurisdictional neighbors. For instance, Loudoun County and Prince William County require plantings for certain road classifications. Additionally, Howard County and Prince George's County have different planting requirements depending on the road classification, with trees required to be spaced from 35 feet to 50 feet apart, depending on the tree size. Additionally, as noted above, transitional screening is no longer proposed to be required for those land uses, listed in the Table 5108.2, when located across the street. Requiring street frontage landscaping would enhance the pedestrian experience on sidewalks adjacent to the roadways, reduce glare from vehicles, and improve air quality. Staff proposes requiring street frontage landscaping be provided in a ten-foot-wide planting strip parallel to all street lines of a public or private street consisting of one tree per 30 feet of linear frontage, which is consistent with the existing width and the proposed planting requirement for peripheral parking lot landscaping when abutting a right-of-way. These requirements would apply along public and private streets but would not apply to internal drive aisles within a development. Lastly, in instances where both street frontage landscaping and peripheral parking lot landscaping are required, staff proposes for peripheral parking lot landscaping to take precedent, which would include shrubs to further reduce vehicle glare. This would occur when a parking lot abuts the public right-of-way.

## **8. Waivers and Modifications**

The Zoning Ordinance currently allows for waivers and modifications to be pursued for both parking lot landscaping, and transitional screening and barriers. Opportunities for waivers and modifications can be found in subsections 5108.5 and 5108.7. To reduce confusion and for ease of reference, staff proposes to consolidate the waiver and modification provisions into the same subsection and retain the broad options while removing some of the more specific scenarios as they are not common. Therefore, the waivers and modifications brought forward and revised by this amendment are intended to allow for creativity and ingenuity regarding design while providing the approving body the guidance for when a waiver or modification would be appropriate. The waivers and modifications are an ongoing conversation and further changes may be proposed.

## 9. Maintenance

During our review, a reoccurring issue regarding maintenance of the trees required to be planted was identified. Some landscaping located within a parking lot or along a street frontage is not being kept in healthy growing condition due to improper pruning, lack of proper soil depth, and impingement on root growth. It is believed that improper pruning often occurs in an effort to increase the visibility of the businesses located on the property, but in doing so reduces the health of the trees and their ability to effectively provide shade or screening. Staff is therefore proposing to add clarifying language that addresses these maintenance issues and will continue to explore options to address insufficient maintenance practices.

The draft text can be found in Attachment 1.

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## Community Outreach and Next Steps

At the time of publication of this white paper, staff has presented this topic at 25 public meetings, including a presentation to the Board of Supervisors Land Use Policy Committee on May 16,<sup>13</sup> and the Planning Commission Land Use Process Review Committee on May 25, 2023.<sup>14</sup> A complete list of the public meetings can be found on the amendment webpage.<sup>15</sup> Staff received a wide variety of comments related to this amendment including the following.

- General interest in seeing the amount of landscaping within the County increase.
- Enhance the ability to use existing landscaping to meet requirements.
- Increase the percentage of parking lot landscaping.
- Allow for flexibility in the distribution of interior parking lot landscaping by establishing a maximum number of parking spaces that can be without a planting area.
- Consider the use of lower-level plantings for peripheral parking lot landscaping.
- Address the application of interior parking lot landscaping on parking structures.
- Incentivize the use of solar canopies for shading parking, particularly for parking structures.
- Reduce the requirement for barriers in mixed-use developments as they do not encourage connectivity.
- Remove chain link fences as a barrier option.

A discussion of related efforts including the Countywide Strategic Plan, One Fairfax, Resilient Fairfax, and the Community-wide Energy and Climate Action Plan (CECAP) can be found in Attachment 2.

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<sup>13</sup> <https://www.fairfaxcounty.gov/boardofsupervisors/board-supervisors-land-use-policy-committee-meeting-may-16-2023>

<sup>14</sup> <https://www.fairfaxcounty.gov/planningcommission/land-use-process-review>

<sup>15</sup> <https://www.fairfaxcounty.gov/planning-development/zoning-ordinance/landscaping-screening>

Questions and comments can be directed to Sara Morgan, Deputy Zoning Administrator, at [sara.morgan@fairfaxcounty.gov](mailto:sara.morgan@fairfaxcounty.gov) or 703-324-1314. Please visit our webpage dedicated to this proposed amendment for more information.<sup>16</sup>

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**Attachments**

1. Draft Text
2. Related County Goals/Policies

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<sup>16</sup> <https://www.fairfaxcounty.gov/planning-development/zoning-ordinance/landscaping-screening>

Section 5108 is proposed to be reorganized, amended, and readopted with the following draft text. Language from the existing provisions that is being amended, is provided in the ~~strikethrough~~ and underline format. Footnotes contained in this document provide clarification on reorganization and additional information but are not part of the proposed amendment. Advertised options are included (*in parentheses, italics and bold*). When an option is presented as a range, the Board may approve any number within the advertised range.

## Article 5 – Development Standards

### 5108. Landscaping and Screening

The purpose of this section is to provide for effective and functional landscaping and screening to create an attractive and harmonious community by minimizing the impact of dissimilar, ~~uses on~~ adjoining or nearby uses. ~~Protection of neighborhood character is achieved by preserving existing vegetation and requiring the planting and maintenance of vegetative screening and other barriers.~~ Placemaking opportunities are enhanced by encouraging connected, walkable, and open communities through enhanced shade and pathways for pedestrian use. Natural resource conservation is promoted, including soil, air, and water quality while enhancing ecological and social or recreational spaces. Provisions in this section lessen the impact of wind, heat, noise, dust, and other debris, and motor vehicle headlight glare or other artificial light intrusion.

Appropriate landscaping provides shade, which can reduce health-related impacts from extreme heat, and contributes toward compliance with the Federal Clean Air Act by reducing levels of carbon dioxide and helping to alleviate atmospheric heat island production and other negative effects on the air quality and ozone levels produced by accelerated fuel evaporation from vehicles parked on non-shaded pavement. Provisions also promote adequate planting areas for healthy development of trees.

#### 1. Applicability and Administration

- A. The Director is responsible for the administration of this section.
- B. The provisions of this section apply to all development subject to the provisions of subsection 8100.7.

#### 2. General Landscaping Standards<sup>1</sup>

##### A. Conformance with Public Facilities Manual

The planting, including the height and caliper requirements,<sup>2</sup> and maintenance of all trees and shrubs must be in accordance with the Public Facilities Manual.

##### ~~B. Size and Spacing~~

~~(1) All trees required by this section must be a minimum of five feet in height at the time of planting.~~<sup>3</sup>

<sup>1</sup> Current subsection 5108.2, Landscaping Plan and Planting Requirements, is being relocated to subsection 5108.2.E below. The current General Landscaping Standards subsection is subsection 5108.3.

<sup>2</sup> This edit relocates the size requirements for trees at the time of planting from subsection 5108.2.B directly below. It also references both height (for evergreens) and caliper (for deciduous), consistent with the Public Facilities Manual.

<sup>3</sup> The height requirement is being revised to reference the PFM and is relocated to subsection 5108.2.A above.

- ~~(2) Generally, planting required by this Section should be in an irregular line and spaced at random.<sup>4</sup>~~

## **B. Existing Vegetation**

- ~~(1) Suitable existing vegetation as determined by the Director will be used to meet the requirements of this Section and the Public Facilities Manual. Existing vegetation that is suitable for use in compliance with the requirements of this section and the Public Facilities Manual, may and should be used as required planting.<sup>5</sup>~~
- ~~(2) Preference should be given to native species and Environmentally Tolerant species identified in the Public Facilities Manual.<sup>6</sup> Existing vegetation in a Resource Protection Area may be used to meet the requirements of this section with approval of the Director. Any addition or removal of vegetation in a Resource Protection Area is subject to Chapter 118 of the County Code as approved by the Director.~~

## **C. Commercial Revitalization Districts and PTC District**

~~In a Commercial Revitalization District and in the PTC District, parking lot landscaping and transitional screening and barriers must be provided in accordance with the provisions of subsection 3102 and 2105.6 respectively.<sup>7</sup>~~

## **D. Utility Easements**

~~New utility easements must be located outside of landscaping areas required under this Section, except to cross perpendicularly, to the greatest extent practicable, as determined by the Director.<sup>8</sup>~~

## **E. Landscaping Plan and Planting Requirements**

- ~~(1) A landscaping plan must be submitted as required by proffered or development conditions, an approved development plan, and subsection 8100.7. A landscaping plan may also be required for a minor site plan, as determined by the Director. and may be required for a minor site plan as determined by the Director.~~
- ~~(2) Landscaping plans must be drawn to scale, including dimensions and distances, and clearly delineate all existing and proposed parking spaces or other vehicle areas, access aisles, driveways, and the location, size, and description of all landscaping materials in accordance with the Public Facilities Manual and the requirements of this Section section.~~
- ~~(3) Landscaping required by this Section section must be shown on the landscape plan and must be completed according to specifications before approval of any Residential or Nonresidential Use Permit in accordance with subsection 8100.9.B.~~

# **3. Street Frontage Landscaping<sup>9</sup>**

## **A. Street Frontage Landscaping Requirements**

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<sup>4</sup> The deletion allows the option for plantings to be planted symmetrically.

<sup>5</sup> This revises the language to plain English while retaining the intent of the existing provision.

<sup>6</sup> During the public outreach process, staff received numerous comments of support for the use of native plantings.

<sup>7</sup> This relocates the existing provisions contained in subsections 5108.5.A(6), 5108.5.B(3)(b), and 5108.6.A(5).

<sup>8</sup> This is a new standard that addresses the location of utility easements that can hinder the placement of landscaping.

<sup>9</sup> Current Subsection 5108.3, General Landscaping Standards, is being relocated to subsection 5108.2 above. These are new provisions which create a requirement for Street Frontage Landscaping along roadways in a 10-foot-wide planting strip.

- (1) Street frontage landscaping must be provided parallel to all street lines of a public or private street.
- (2) Street frontage landscaping must consist of a ten-foot-wide landscaping strip (**eight to ten feet**), exclusive of a sidewalk or trail, containing at least one tree per 30 linear feet of frontage, but trees are not required to be planted on 30-foot centers.
- (3) Where street frontage landscaping required by this subsection conflicts with street planting regulations of the Virginia Department of Transportation, the regulations of the latter govern.<sup>10</sup>

## **B. Exceptions**

- (1) Street frontage landscaping is not required for lots developed with a single-family dwelling unless shown on an approved development plan or PRC Plan.
- (2) Street frontage landscaping is not required parallel to internal drive aisles within a development, or along a railroad, interstate highway, the Dulles International Airport Access Highway, or the combined Dulles International Airport Access Highway and Dulles Toll Road.<sup>11</sup>
- (3) Where peripheral parking lot landscaping is required by this Section, street frontage landscaping is not required.

## **4. Parking Lot Landscaping<sup>12</sup>**

### **A. Interior Parking Lot Landscaping**

#### **(1) Amount Required**

- (a) Any parking lot or parcel containing ~~20~~ ten or more surface parking spaces (**up to 20 parking spaces**), including surface parking lots expanded to provide ten or more spaces, (**up to 20 parking spaces**) must include interior landscaping covering a minimum of ~~five~~ ten percent (**five to 20 percent**) of the total area of the surface parking lot.<sup>13</sup> Interior parking lot landscaping must be calculated in accordance with the Public Facilities Manual.
- (b) Up to five percent of the required interior parking lot landscaping may be satisfied through the use of solar canopies.<sup>14</sup>
- (c) ~~Such~~ For calculation purposes, interior parking lot landscaping ~~must be in addition to~~ does not include any planting or landscaping within six feet of a building, any planting or landscaping required as peripheral parking lot landscaping ~~planting by subsection B below~~, and any transitional screening required by subsection ~~6-B 5108.5.B below~~.

#### **(2) Planting Requirements**

- (a) The primary landscaping materials used in parking lots must be trees that provide shade or will provide shade at maturity. Shrubs and other ~~live~~ planting material may

<sup>10</sup> This is an existing requirement for peripheral parking lot landscaping. As both requirements deal with land along rights-of-way, this requirement is being applied to street frontage landscaping as well.

<sup>11</sup> This provision was relocated from subsection 5108.7.J.

<sup>12</sup> Current subsection 5108.4, Maintenance, is being relocated to subsection 5108.7 below. The current Parking Lot Landscaping subsection is subsection 5108.5.

<sup>13</sup> This revision makes the distinction that interior parking lot landscaping applies to surface parking lots only. Parking structures will no longer be subject to interior parking lot landscaping requirements. Specific requirements for parking structures are proposed in subsection 5108.4.B below.

<sup>14</sup> This new standard encourages the use of solar canopies through the allowance of a modification to interior parking lot landscaping.

be used to complement the tree landscaping but may not be the sole contribution to the landscaping.

- ~~(b) Landscaping should be dispersed throughout the parking area to maximize shade for the vehicles using the parking lot. An average of one planting area, as defined in the Public Facilities Manual,<sup>15</sup> is required for every ten contiguous parking spaces (**eight to 20 parking spaces**).~~
- ~~(3) There must be a minimum distance of 15 feet (**15 to 20 feet**) between a light pole and a tree required by this Section unless modified by the Director.<sup>16</sup>~~
- ~~(4) The interior dimensions of any planting area must be large enough to protect all landscaping materials in conformance with the Public Facilities Manual.~~
- ~~(4) The Director may waive or modify the requirements of these planting requirements for any use in an I district where vehicles are parked or stored, provided the use is screened from view of all adjacent property and all public streets.<sup>17</sup>~~
- ~~(5) The Board, in conjunction with the approval of a rezoning or special exception, may approve a waiver or modification of the requirements of these planting requirements. Such waiver or modification may be approved:
  - ~~(a) For an interim use of a specified duration, or where deemed appropriate due to the location, size, surrounding area, or configuration of the parking lot; and~~
  - ~~(b) Where such waiver or modification will not have any harmful effect on the existing and planned development of adjacent properties.<sup>18</sup>~~~~
- ~~(6) In a Commercial Revitalization District and in the PTC District, interior parking lot landscaping must be provided in accordance with the provisions of the respective district.<sup>19</sup>~~

## **B. Shade Structures<sup>20</sup>**

- ~~(1) Any parking structure with an exposed surface containing ten or more parking spaces (**up to 20 parking spaces**) must include shade structures covering a minimum of ten percent (**five to 20 percent**) of the total area of the exposed portion of the parking structure. Alternatively, the required percentage of shade may be provided through shade trees or a combination of trees and shade structures, located on the exposed portion of the parking structure, as required for interior parking lot landscaping in subsection 5108.4.A.<sup>21</sup>~~
- ~~(2) Shade structures include canopies, solar canopies, or similar structures. Structures must be permanent and not made of temporary materials such as fabric. If solar canopies are used to meet the shade structure requirement, the structure must cover a minimum of five percent of the total area of the exposed portion of the parking structure rather than the percentage required in subsection 5108.4.B(1).<sup>22</sup>~~

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<sup>15</sup> §12-0401.1B of the Public Facilities Manual defines “minimum planting area.”

<https://online.encodeplus.com/reg/fairfaxcounty-va-pfm/doc-viewer.aspx?secid=590>

<sup>16</sup> This is a new standard to reduce conflicts between landscaping and lighting.

<sup>17</sup> All waivers and modification have been relocated to subsection 5108.6. This waiver and modification opportunity could be pursued through subsection 5108.6.A.

<sup>18</sup> This provision has been relocated to subsection 5108.6.D below.

<sup>19</sup> This provision is being relocated to subsection 5108.2.C above.

<sup>20</sup> These are new standards that address the shade requirement for parking structure. Parking structure will no longer be subject to the interior parking lot landscaping requirements.

<sup>21</sup> This alternative design is to allow for the use of trees.

<sup>22</sup> This provision is incorporated to encourage the use of solar canopies.



- (3) The shade structures required by this Section may exceed the maximum height requirement by up to 16 feet.

### **C. Peripheral Parking Lot Landscaping**

Any parking lot containing ~~20~~ ten or more surface parking spaces (up to 20 parking spaces), including parking lots expanded to provide ten or more spaces (up to 20 parking spaces), where transitional screening is not required by subsection ~~6-B-5108.5.B~~ below must ~~have~~ provide peripheral parking lot landscaping as follows:<sup>23</sup>

#### **(4) Property Does Not Abut Street Right-of-Way**

When the property line abuts land that is not in the right-of-way of a street:

- (a)** A continuous landscaping strip must be provided between the parking lot and the abutting property lines, except where driveways, pedestrian access, or other openings may necessitate other treatment, in accordance with the Public Facilities Manual.<sup>24</sup>
- (b)** At least 13 shrubs, planted at a height of 30 inches, for each 50 linear feet must be planted in the landscaping strip to grow to a height of three feet at maturity. The selection and placement of the shrubs must be designed to create adequate screening of vehicle headlights at maturity.<sup>25</sup>
- (c)** The minimum width of any planting area must provide at least four feet between the center of a tree and a restrictive barrier, such as a curb or pavement, unless modified in accordance with subsection 5108.6.A.
- (d)** At least one tree for each 50 linear feet must be planted in the landscaping strip; however, trees are not required to be planted on 50-foot centers.

#### **(5) Property Abuts Street Right-of-Way**

Where the property line abuts the right-of-way of a street:

- (a)** A continuous landscaping strip ten feet in width must be located between the parking lot and the property line, except where driveways, pedestrian access, or other openings may necessitate other treatment, and may not include a sidewalk, or trail.
- (b)** At least one tree for each ~~40~~ 30 linear feet must be planted in the landscaping strip; however, trees are not required to be planted on ~~40~~ 30-foot centers.<sup>26</sup>
- (c)** At least eight shrubs, planted at a height of 30 inches, for each 30 linear feet must be planted in the landscaping strip to grow to a height of four feet at maturity. The selection and placement of the shrubs should be designed to create adequate screening of vehicle headlights at maturity.<sup>27</sup>
- (d)** Where peripheral landscaping required by this subsection conflicts with street planting regulations of the Virginia Department of Transportation, the regulations of the latter govern.

#### **(6) Exceptions**

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<sup>23</sup> This revision makes the distinction that peripheral parking lot landscaping applies to surface parking lots only. Parking structure will no longer be subject to peripheral parking lot landscaping requirements.

<sup>24</sup> This reference to the PFM was added as part of the Zoning Ordinance Modernization project and replaced the specific planting requirements in the previous Ordinance. However, to reduce confusion, staff proposes to add standards (1(b) - 1(d)), consistent with current application of PFM standards.

<sup>25</sup> This is a new standard that requires shrubs to be planted within the peripheral parking lot landscaping strip, when abutting a street right-of-way, to reduce vehicle headlight glare.

<sup>26</sup> This modifies the ratio to increase the number of trees within the landscaping strip. This is consistent with the proposed Street Frontage Landscaping ratio.

<sup>27</sup> This is a new standard that requires shrubs to be planted within the peripheral parking lot landscaping strip, when abutting a street right-of-way, to reduce vehicle headlight glare.

- (a) ~~The Board, in conjunction with the approval of a rezoning or special exception, or the BZA, in conjunction with the approval of a special permit, may approve a waiver or modification of the requirements of this subsection and the requirement to provide a ten-foot minimum distance between a front lot line and an off-street parking space established in subsection 6100.2.A. The waiver or modification may be approved:~~
- ~~1. For an interim use of a specified duration, or where deemed appropriate due to the location, size, surrounding area, or configuration of the parking lot; and~~
  - ~~2. Where such waiver or modification will not have any harmful effect on the existing and planned development of adjacent properties.<sup>28</sup>~~
- (b) ~~In a Commercial Revitalization District and in the PTC District, peripheral parking lot landscaping must be provided in accordance with the provisions of the respective district.<sup>29</sup>~~

## 5. Transitional Screening and Barriers<sup>30</sup>

### A. Applicability

- (1) ~~Transitional screening and barriers must be provided within the zoning district and on the lot of the use indicated in the left column of Table 5108.2 where it is contiguous adjacent to or across the street from land used or zoned for uses indicated across the top of Table 5102.2. The uses are grouped by use classification, consistent with Article 4. The numbers across the top of the table correspond to the use numbers in the left column.~~
- (2) ~~The more stringent requirements of the table Table 5108.2 apply if the structure lot will contain more than one use or category classification of uses in Table 5108.2; however, the lesser requirement will apply on a side where only the use with the lesser requirement is located. The Director may allow the lesser requirements with a finding that the need for the more stringent requirements is eliminated by the arrangement of the uses.~~
- (3) ~~In a P district, screening and barrier requirements apply to the boundaries of the development and do not apply to individual lots or uses interior to the development, unless shown on the approved PRC plan or development plan.<sup>31</sup>~~
- (4) ~~In addition to the standards established in Article 4 for a particular use, all uses allowed by special exception or special permit are required to provide transitional screening and barriers as determined by the Board or BZA, using in accordance with Table 5108.2 as a guide.~~
- (5) ~~Transitional screening and barriers are not required between different dwelling unit types within an affordable dwelling unit development.~~
- (6) ~~In a Commercial Revitalization District and in the PTC District, transitional screening and barriers must be provided in accordance with the provisions of the respective district.<sup>32</sup>~~
- (6) ~~The following uses are not included in Table 5108.2 and are subject to the standards below:~~

<sup>28</sup> This provision has been relocated to subsection 5108.6.D below.

<sup>29</sup> This provision is being relocated to subsection 5108.2.C above.

<sup>30</sup> Current subsection 5108.5, Parking Lot Landscaping, is being relocated to subsection 5108.4 above. The current Transitional Screening and Barriers subsection is subsection 5108.6.

<sup>31</sup> This is a new standard that addresses transitional screening and barriers for mixed-use developments. This standard considers the site-specific design that is reviewed and evaluated as part of the approval of a Planned District.

<sup>32</sup> This provision is being relocated to subsection 5108.2.C above.

- (a) Agricultural operation and office in a residential district does not require transitional screening or barriers.
- (b) Wireless facility is subject to the requirements of subsection 4102.4.Y.
- (c) The following uses may be required to provide transitional screening and barriers as determined by the Board or BZA: agritourism, campground; cemetery; farm winery, limited brewery, or limited distillery; group household; marina (commercial or private noncommercial); office in a residential district; and riding or boarding stable.
- (d) Public use is subject to the requirements of the most similar use as determined by the Director in consultation with the Zoning Administrator.

## B. Transitional Screening Requirements

### (1) Types of Transitional Screening

There are three different transitional screening requirements as identified in Table 5108.2 that must be provided in accordance with Chapter 12 of the Public Facilities Manual and as follows:

#### (a) Transitional Screening # 1

Transitional Screening # 1 consists of an ~~unbroken~~ strip of open space a minimum of 25 feet wide and planted with all of the following:

1. A mixture of large and medium evergreen trees and large deciduous trees that achieve a minimum ten-year tree canopy of 75 percent or greater;
2. A mixture of trees consisting of at least 70 percent evergreen trees, and consisting of no more than 35 percent of any single species of evergreen or deciduous tree; and
3. A mixture of predominately medium evergreen shrubs at a rate of three shrubs for every ten linear feet for the length of the transition yard area. The shrubs must generally be located away from the barrier and staggered along the outer boundary of the transition yard.

#### (b) Transitional Screening # 2

Transitional Screening # 2 consists of an ~~unbroken~~ strip of open space a minimum of 35 feet wide and planted as required in subsections 5108.5.B(1)(a)1, 2, and 3 above.  
~~with the following:~~

- ~~1. A mixture of large and medium evergreen trees that achieves a minimum ten-year tree canopy of 75 percent or greater; and~~
- ~~2. The same mixture of trees and shrubs as provided in subsections 5108.5(B)(1)(a)2 and 5108.5(B)(1)(a)3 above.~~

#### (c) Transitional Screening # 3

Transitional Screening # 3 consists of an ~~unbroken~~ strip of open space a minimum of 50 feet wide planted as required in subsections 5108.5(B)(1)(a)1, 2, and 3 (b)1, 5108.5(B)(1)(a)2, and 5108.5(B)(1)(a)3 above.

- (2) An alternative mixture of evergreen and deciduous trees, as required by subsection 5108.5(B)(1)(a)2, is permitted if it results in no less than 50 percent (30 to 70 percent) evergreen trees, and the transitional screening retains a minimum of 25 percent (15 to 35 percent) of the existing vegetation and/or native deciduous trees.<sup>33</sup>
- (3) A perpendicular sidewalk, trail, or shared use path up to ten feet in width may be allowed within transitional screening.<sup>34</sup>

<sup>33</sup> This new standard allows for flexibility in design while encouraging the use of existing vegetation.

<sup>34</sup> During the entitlement process, Fairfax County Department of Transportation seeks a width of eight to ten feet for trails and shared use paths.

- (4) The transitional screening yard width and planting requirements may be reduced as much as two-thirds where a seven-foot brick or architectural block wall is provided instead of the barrier required. The wall may be reduced to a height of six feet where the Director deems such a height will satisfy the purpose and intent of this Section.<sup>35</sup>

## C. Barrier Requirements

### (1) Barrier Location

- (a) Barriers may be located at the property boundary or between the transitional screening and use requiring the screening.<sup>36</sup> ~~must generally be located between the required transitional screening and the use requiring such screening so that the maximum effective screening is provided from the existing or proposed first floor level of adjoining development, as determined by the Director.~~
- (b) The faced or finished side of the barrier must be facing the adjacent use with any ~~Bracing, supports, or posts must be located on the side of the barrier facing the use requiring the barrier.~~

### (2) Types of Barriers

- (a) Table 5108.21 identifies different barrier requirements, which must be provided in accordance with Table 5108.42. The applicant may choose the type of barrier if more than one type is allowed under Table 5108.2.
- (b) In unusual circumstances related to topography, or to alleviate specific problems with nuisance issues such as glare and noise, the Director may ~~require~~ allow the use of an earth berm or more specialized barrier material in lieu of, or in combination with, any of the barrier types set forth below.

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<sup>35</sup> This standard was relocated from subsection 5108.7.D.

<sup>36</sup> This edit allows for barriers to be placed on either side of the required transitional screening which can aid in maintenance of the transitional screening.

**TABLE 5108.1: Barrier Requirements by Type**

Barrier Type	Height	Materials	Other Standards
<del>A</del>	42-48 inches	Wall of brick or architectural block	<del>Faced on the side of the existing use; may be required to be faced on both sides as determined by the Director. <u>N/A</u></del>
<del>B</del>	42-48 inches	Solid wood or otherwise architecturally solid fence	<del>N/A</del>
<del>C</del>	42-48 inches	Evergreen hedge	<del>Planting size minimum 36 inches and planted <u>36 inches on center to create a uniform hedge at maturity.</u></del>
<del>D</del>	<del>42-48 inches</del>	<del>Chain link fence<sup>37</sup></del>	<del>May be required by the Director to have inserts in the fence fabric, to be coated, or to be supplemented by trees and shrubs.</del>
<del>E</del> <u>D</u>	6 feet	Wall of brick or architectural block	<del>Faced on the side of the existing use; may be required to be faced on both sides as determined by the Director. <u>N/A</u></del>
<del>F</del> <u>E</u>	6 feet	Solid wood or otherwise architecturally solid fence	<del>N/A</del>
<del>G</del>	<del>6 feet</del>	<del>Chain link fence<sup>38</sup></del>	<del>May be required by the Director to have inserts in the fence fabric or be coated.</del>
<del>H</del>	<del>6 feet</del>	<del>Variety of trees<sup>39</sup></del>	<del>One row of 6-foot trees averaging 50 feet on centers. This requirement may be omitted when the building is six feet or less from the property line.</del>

Table 5108.2 is proposed to be replaced with the following Transitional Screening and Barrier table. The existing table can be viewed here: <https://online.encodeplus.com/regs/fairfaxcounty-va/doc-viewer.aspx#secid-3017>.

<sup>37</sup> This barrier type is being removed as it does not provide the same visual screening as other barrier types in this table.

<sup>38</sup> This barrier type is being removed as it does not provide the same visual screening as other barrier types in this table.

<sup>39</sup> This barrier type is being removed as it is not proposed in the revised Table 5108.2.

**TABLE 5108.2: Transitional Screening and Barrier Type Requirements**

Numerals in individual cells represent transitional screening type required (1, 2, or 3)

Letters in individual cells represent barrier type required (A through E)

Use Classification	Adjacent Use								
	Single-Family Dwelling, Attached and Detached	All Other Residential Uses	Solar Power Facility	Utility Facility, Heavy	All Other Public, Institutional, and Community Uses	Vehicle Repair and Maintenance, Heavy	All Other Commercial Uses	Craft Beverage Production Establishment	All Other Industrial Uses
<b>Residential Uses</b>									
Single-Family Dwelling, Attached and Detached	None	None	None	None	None	None	None	None	None
All Other Residential Uses	Type 1 Barrier D or E	None	None	None	None	None	None	None	None
<b>Public, Institutional, and Community Uses</b>									
Solar Power Facility	Type 3 Barrier D or E	Type 2 Barrier D or E	None	None	Barrier D or E	None	Barrier D or E	Barrier D or E	None
Utility Facility, Heavy	Type 3 Barrier D or E	Type 3 Barrier D or E	None	None	Type 1 Barrier A, B or C	None	Barrier D or E	Barrier D or E	None
All Other Public, Institutional, and Community Uses	Type 2 Barrier D or E	Type 2 Barrier D or E	None	None	None	None	None	None	None
<b>Commercial Uses</b>									
Vehicle Repair and Maintenance, Heavy	Type 3 Barrier D or E	Type 3 Barrier D or E	Barrier D or E	Barrier D or E	Type 1 Barrier D or E	None	Type 1 Barrier D or E	Barrier D or E	Barrier A, B or C
All Other Commercial Uses	Type 2 Barrier D or E	Type 2 Barrier D or E	None	None	Barrier D or E	None	None	None	None
<b>Industrial Uses</b>									
Craft Beverage Production Establishment	Type 2 Barrier D or E	Type 2 Barrier D or E	None	None	Type 1 Barrier A, B or C	None	None	None	None
All Other Industrial Uses <sup>40</sup>	Type 3 Barrier D or E	Type 3 Barrier D or E	Barrier D or E	Barrier D or E	Type 1 Barrier D or E	Type 1 Barrier D or E	Type 1 Barrier A, B or C	Type 1 Barrier D or E	None

<sup>40</sup> The transitional screening and barrier requirements for Data Centers will be evaluated in the upcoming report to the Board.

## 6. Waivers and Modifications<sup>41</sup> to Transitional Screening and Barriers<sup>42</sup>

- A.** The Board, in conjunction with the approval of proffered conditions, PRC plan, or a special exception, or the BZA in conjunction with the approval of a special permit, may modify or waive the requirements of this Section as follows:
- (1)** The transitional screening, barriers, and street frontage landscaping may be modified if they are specifically designed to minimize adverse impacts through a combination of architectural and landscaping techniques.<sup>43</sup>
  - (2)** The transitional screening, barriers, and street frontage landscaping may be modified if they are specifically designed in accordance with the approved urban design guidelines.<sup>44</sup>
  - (3)** The transitional screening and barrier requirements may be waived or modified if the topography of the lot providing the transitional screening and the adjacent lot being protected is such that transitional screening or a barrier would not be effective.<sup>45</sup>
  - (4)** Parking lot landscaping planting requirements for interim uses of a specified duration, or where deemed appropriate, may be modified due to the location, size, surrounding area, or configuration of the parking lot when the modification or waiver does not create a harmful effect on the existing and planned development of adjacent properties.<sup>46</sup>
  - (5)** Parking lot landscaping may be modified to allow the planting of less than one planting area for every ten contiguous parking spaces when the resulting configuration results in the appropriate amount of shade for vehicles parked in the parking lot.
- B.** The Board, the BZA, or the Director may waive or modify the requirements of this Section as follows:
- (1)** The street frontage landscaping, transitional screening, or barrier requirements may be waived or modified if:
    - (a)** The topography of the lot providing the trees and the adjacent lot is such that the required trees would not provide screening; or
    - (b)** The topography or other conditions of the lot, where the trees would be located, would cause the trees to not be viable.
  - (2)** A reduction in the percent of interior parking lot landscaping required in accordance with subsection 5108.4.A(1) is not permitted. However, the interior parking lot landscaping requirement in subsection 5108.4.A(2)(b) may be modified if the shape or size of the lot or parcel would preclude the arrangement of planting areas for every ten contiguous spaces.

~~Transitional screening and barriers may be waived or modified under this subsection. The Board, in conjunction with a rezoning or special exception application, or the Director may attach conditions to any waiver or modification that would assure that the results of the waiver or modification will be in accordance with the purpose and intent of this section. The Board or Director may waive or modify transitional screening and barriers as follows:~~

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<sup>41</sup> Staff is continuing to review the Waivers and Modifications subsection. Additional changes may be forthcoming.

<sup>42</sup> Current subsection 5108.6, Transitional Screening and Barriers, is being relocated to subsection 5108.5 above. The current Waivers and Modifications subsection is 5108.7.

<sup>43</sup> This standard was relocated from subsection 5108.7.B and subsequently revised. The original standard is now contained within subparagraph 1 and 2.

<sup>44</sup> This standard was relocated from subsection 5108.7.B and subsequently revised. The original standard is now contained within subparagraph 1 and 2.

<sup>45</sup> This standard was relocated from subsection 5108.7.K.

<sup>46</sup> This standard was relocated from subsection 5108.5.A(5).

- ~~A. Between uses developed under a common development plan in the PDC or PRM Districts or a common development or site plan or series of development or site plans within a PRC District when compatibility between uses has been addressed through a combination of the location and arrangement of buildings or through architectural or landscaping treatments.~~
- ~~B. Transitional screening and barriers may be waived or modified where the building, a barrier, or the land between that building and the property line has been specifically designed to minimize adverse impact through a combination of architectural and landscaping techniques.<sup>47</sup>~~
- ~~C. The strict application of the transitional screening and barrier provisions would reduce the usable area of a lot due to lot configuration or size to a point that would preclude a reasonable use of the lot, provided the side of a building, a barrier, or the land between that building and the property line has been designed to minimize adverse impact through a combination of architectural and landscaping techniques.~~
- ~~D. The transitional screening yard width and planting requirements may be reduced as much as two-thirds where a seven-foot brick or architectural block wall is provided instead of the barrier required. The wall may be reduced to a height of six feet where the Director deems such a height will satisfy the purpose and intent of this section.<sup>48</sup>~~
- ~~E. The adjoining land is designated in the Comprehensive Plan for a use that would not require transitional screening between the land under site plan and the adjoining property.~~
- ~~F. The adjacent property is zoned to allow a use similar to the parcel under site plan.~~
- ~~G. The adjoining property is used for any public purpose other than a school or hospital.~~
- ~~H. The adjacent residential property is used for any use permitted by the Board or BZA as a special exception or special permit use except for a child care center or private school.~~
- ~~I. The adjoining land is in a residential district and is used for off-street parking as permitted by the provisions of subsection 6100.2.B.~~
- ~~J. The property abuts a railroad, interstate highway right-of-way, the right-of-way of the Dulles International Airport Access Highway or the combined Dulles International Airport Access Highway and Dulles Toll Road.<sup>49</sup>~~
- ~~K. The barrier requirement may be waived or modified if the topography of the lot providing the transitional screening and the lot being protected is such that a barrier would not be effective.<sup>50</sup>~~
- ~~L. The barrier requirement may be waived or modified for single-family attached dwelling units if a six-foot fence is provided to enclose a privacy yard on all sides, and the fence is architecturally designed and coordinated with landscaping techniques to minimize adverse impact on adjacent properties.~~
- ~~M. For any public use that has been specifically designed to minimize adverse impact on adjacent properties.~~
- ~~N. The strict application of the provisions of this section in affordable dwelling unit developments would preclude compliance with the provisions of Section 5101.~~

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<sup>47</sup> This provision was relocated to subsections 5108.6.A(1) and 5108.6.A(2) and subsequently revised.

<sup>48</sup> This provision was relocated to subsection 5108.5.B(4).

<sup>49</sup> This provision was relocated to subsection 5108.3.B(2) and subsequently revised.

<sup>50</sup> This provision was relocated to subsection 5108.6.A(3) and subsequently revised.



## 7. Maintenance<sup>51</sup>

- A. The owner or their agent is responsible for the maintenance, repair, and replacement of all landscaping materials and barriers as may be required by this Section.
- B. All plant material must be tended and maintained in a healthy growing condition including proper pruning, proper soil depth, and preventing impingement on root growth,<sup>52</sup> replaced when necessary due to poor health or unsafe conditions, and kept free of refuse and debris.
- C. Fences and walls must be maintained in good repair. Openings within the barriers may be required by the Director for accessibility to an area for necessary maintenance.
- D. When tree conservation is required on individual lots in residential districts, the homeowner, subsequent to Residential Use Permit issuance, is not precluded from adding, removing, or relocating such landscaping.
- E. All landscaping must be installed and maintained in substantial conformance with any proffered conditions or with any approved ~~conceptual or final~~ development plan, ~~general development plan, development plan~~, PRC plan, special exception, special permit, or variance as determined by the Zoning Administrator. Any removal or replacement of required landscaping requires approval by the Director after coordination with the Zoning Administrator.
- F. The removal or replacement of any landscaping depicted on an approved site plan that is not subject to any of the approvals listed in subsection 5108.7.E above requires Director approval.
- G. Any landscaping required by subsections 5108.7.E and 5108.7.F above that is removed or replaced without the written permission of the Director must be replaced at the owner's expense with new landscaping of the appropriate species and equal to or as large in total canopy area at the time of planting as the required landscaping that was removed as determined by the Director.

## 8. Tree Conservation

Tree conservation ~~must be provided as required by~~ requirements are set forth in Chapter 122 of the County Code and the Public Facilities Manual.

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<sup>51</sup> Current Subsection 5108.7, Waivers and Modifications to Transitional Screening and Barriers, is being relocated to subsection 5108.6 above. The current Maintenance subsection is subsection 5108.4.

<sup>52</sup> This revision serves as reminder that all plant materials should be properly pruned.

As a result of the changes being proposed to Section 5108, changes are also being proposed to subsections 3102.3(E). These changes update cross references.

# Article 3 - Overlay and Commercial Revitalization Districts

## 3102. Commercial Revitalization Districts

### 3. Standards Applicable to All Commercial Revitalization Districts<sup>53</sup>

#### E. Additional Standards

##### (4) Landscaping and Screening

The landscaping and screening requirements of Section 5108 apply, except as set forth below. When the following provisions require a determination of feasibility of meeting the requirements on a lot, the Director may make the determination through the approval of a site plan, or the Board may make the determination by special exception in accordance with subsection 8100.3.

(a) The interior parking lot landscaping requirements of subsection 5108.54.A apply as follows:

1. When a proposed expansion or enlargement of an existing development results in a parking lot containing 20 or more parking spaces, the interior parking lot landscaping requirements apply to the parking lot unless the Director determines that it is not feasible to meet the requirement or that compliance with the requirement will adversely impact the required off-street parking.
2. The interior parking lot landscaping requirements apply for redevelopments and new developments.

(b) The peripheral parking lot landscaping requirements of subsection 5108.5-B4.C apply as follows:

1. The peripheral parking lot landscaping requirements of subsection 5108.5-B(1)4.C(1) concerning when a property line abuts land that is not the right-of-way of a street do not apply to expansions or enlargements of existing developments.
2. The requirements of subsection 5108.5-B(1)4.C(1) apply to redevelopments or new developments. However, where there are landscaping or design provisions in the Comprehensive Plan that recommend a planting strip or other streetscape treatment with a different width or different plant materials than those required by subsection 5108.5-B4.C, then the standards in the Comprehensive Plan apply.
3. The peripheral parking lot landscaping requirements of subsection 5108.5-B(2)4.C(2) concerning when the property line abuts the right-of-way of a street do not apply for expansions or enlargements of existing developments, redevelopments, and new developments. However, the following are required:
  - a. A ten-foot-wide landscaping strip, which may not include any sidewalk, trail, or parallel utility easement, must be located on the lot where it abuts a street right-of-way line.

<sup>53</sup> Staff is continuing to review the Standards Applicable to All Commercial Revitalization. Additional changes may be forthcoming.

- b.* If there are no existing or proposed overhead utility lines, there must be at least one large deciduous tree planted in the landscaping strip for each 30 feet of length, but the trees are not required to be installed at a spacing of one tree every 30 feet on center. If there are overhead utility lines, at least one small to medium deciduous tree must be planted in the landscaping strip for every 25 feet of length, but the trees are not required to be installed at a spacing of one tree every 25 feet on center. Trees planted in a landscaping strip beneath overhead utility lines must be of a shape and character to avoid interfering with the utility lines.
  - c.* All trees must be two and one-half to three inches in caliper at the time of planting.
  - d.* If there are landscaping or design provisions in the Comprehensive Plan that recommend a planting strip or other streetscape treatment with a different width or different plant materials than set forth above, then the provisions of the Comprehensive Plan apply.
  - e.* The above requirements may be modified or waived for expansions or enlargements of existing developments when it is determined that it is not feasible to meet these requirements on the lot.
- (c)** The transitional screening and barrier requirements of subsection 5108.65.B apply as follows:
- 1.** For new development and redevelopment, or for expansions or enlargements of existing developments, the transitional screening and barrier requirements apply. If there are landscaping or design provisions in the Comprehensive Plan that recommend a planting strip or other streetscape treatment with a different width, a different number of plantings, or different plant materials than required by subsection 5108.65, then the provisions of the Comprehensive Plan apply.
  - 2.** When the peripheral planting requirements of subsection (b)3 above, are required and provided in accordance with that subsection, they are deemed to meet the transitional screening requirement for that portion of the lot.
  - 3.** In addition to the above and to the provisions of subsection 5108.65.C, transitional screening may be modified or waived when a barrier is provided. The barrier must consist of a decorative brick or block wall, a decorative tubular steel or aluminum fence, or an alternative treatment that is compatible with treatments prevalent in the district or provisions of the Comprehensive Plan. Any alternative treatments must be approved by the Director.
  - 4.** For all of the above, the requirements may be modified or waived by the Board by special exception in accordance with subsection 8100.3.

As a result of the changes being proposed in Section 5108, changes are also being proposed to Appendix 1 to address previous approvals and applications in process.

## APPENDIX 1 – PROVISIONS RELATING TO PREVIOUS APPROVALS<sup>54</sup>

Below are the general provisions for this Ordinance, followed by the provisions for specific Zoning Ordinance amendments relating to applicability and previous approvals. They are not part of the adopted Zoning Ordinance, but are provided here as a convenience. Additional information for any amendment may be obtained by contacting the Zoning Administration Division, Department of Planning and Development.

### 2. Specific Provisions Regarding Previous Approvals

#### B. Amendments Adopted After May 10, 2023<sup>55</sup>

##### **(1) Repeal and Replacement of Subsection 5108 Landscaping and Screening (ZO 112.2-2023-x)**

**(a)** For all applications for rezonings and related development plans, special exceptions, special permits, variances, PRC plans, subdivision plats, site plans, parking reductions, parking tabulations, redesignation plans and building permits, submitted and accepted for review before [effective date of the amendment], the applicant/owner are entitled to review under the provisions of the Zoning Ordinance as amended through (date prior to adoption of ZO 112.2-2023-x), if:

1. Approval is granted within twelve months of [effective date of the amendment], or, if corrections to a properly submitted and accepted plan are deemed necessary by the reviewing authority, revised plans are resubmitted within six months of its disapproval;
2. The approval remains valid; and
3. The uses, features, and structures are constructed in accordance with approved plans and permits.

Required subsequent plan and permit submissions may be accepted and approvals may be granted, consistent with those approvals. Revisions to such approvals may be approved if they do not aggravate conflicts with ZO 112.2-2023-x. Applicant/owner may elect to have the above applications reviewed in their entirety with the provisions of ZO 112.2-2023-x.

**(b)** For all applications for rezonings and related development plans, special exceptions, special permits, variances, PRC plans, subdivision plats, site plans, and building permits approved before [effective date of the amendment], the applicant/owner may continue under their previous approval or elect to utilize the requirements of ZO 112.2-2023-x, subject to the development being in substantial conformance with an approved special permit plat, special exception plat, or development plan, unless the site is subject to proffers or conditions requiring specific parking lot landscaping, transitional screening, or barriers.

<sup>54</sup> Staff is continuing to review the Appendix 1 language. Additional changes may be forthcoming.

<sup>55</sup> The Parking Reimagined Zoning Ordinance Amendment is proposing to add language to this appendix and may result in some changes to the proposed numbering shown here.

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### **Related County Goals/Policies**

This Zoning Ordinance Amendment helps promote other initiatives within the county. This section addresses the related efforts and how they are addressed through this amendment.

#### Strategic Plan

The Fairfax Countywide Strategic Plan<sup>1</sup> was officially adopted by the Board on October 5, 2021. The ten Community Outcome Areas include the “Environment” which aims to promote air, water, and land quality while supporting environmental policy and practices as well as “Housing and Neighborhood Livability” which aims to provide access to amenities that promote healthy neighborhoods. Strategies within these Outcome Areas relate to this Zoning Ordinance Amendment including environmental stewardship and biodiversity of landscaping at county facilities (Strategy E1); protecting and conserving natural resources that provide ecological and health benefits (Strategy E7); and promoting the use of solar through incentives (Strategy E8).

#### One Fairfax

One Fairfax<sup>2</sup> is a framework that will be used to consider equity in decision-making and in the development and delivery of future policies, program, and services. The Board adopted the policy in November 2017. The One Fairfax policy includes seventeen areas of focus, including the area of focus related to this Zoning Ordinance Amendment which focuses on a quality built and natural environment that supports a high quality of life for all people (Area of Focus 11). Throughout this process staff has applied the equity lens to identify areas in which equity could be addressed through the landscaping and screening provisions. These provisions apply countywide, and landscaping helps create a healthy, attractive, and livable community for all areas. Regarding transitional screening and barriers, as part of the outreach on this topic, staff posed the question concerning whether the landscaping and screening provisions really serve to separate incompatible land uses or are they perceived more as creating barriers between communities, particularly between residential uses. County specific data does not show instances where our landscaping and screening provisions have contributed to inequities.

In addition, the One Fairfax policy encourages expansive community engagement to ensure that all people are heard and considered. Staff has presented at 25 public meetings to obtain public input on the existing landscaping and screening provisions.<sup>3</sup> These meetings were held both in-person and virtually to accommodate attendees’ schedules.

#### Resilient Fairfax

The Resilient Fairfax Climate Adaptation and Resilience Plan<sup>4</sup> was officially adopted by the Board in November of 2022. It is a plan and program to help Fairfax County become more resilient to changing conditions and climate change-related hazards such as extreme heat, severe storms, and flooding. This Zoning Ordinance Amendment is a building block for multiple Resilient Fairfax strategies, including amendments to the Zoning Ordinance and other County

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<sup>1</sup> <https://www.fairfaxcounty.gov/strategicplan/>

<sup>2</sup> <https://www.fairfaxcounty.gov/topics/one-fairfax>

<sup>3</sup> A complete list of the public meetings can be found on the amendment webpage. <https://www.fairfaxcounty.gov/planning-development/zoning-ordinance/landscaping-screening>

<sup>4</sup> <https://www.fairfaxcounty.gov/environment-energy-coordination/resilient-fairfax>

Codes to enhance community resilience (CRC.3c); heat-resilient design and development (CRC.3b); integrating climate change considerations into Urban Forestry Programs (AE.1d); pursuing green infrastructure projects that provide climate resilience benefits (AE.2a); and support continued urban reforestation (AE.2c).<sup>5</sup> The Implementation Actions in these strategies include improved landscaping and screening requirements, which can help to reduce the Urban Heat Island effect and urban flooding, which are among the top risks identified by the plan.<sup>6</sup>

#### Community-wide Energy and Climate Action Plan

The Community-wide Energy and Climate Action Plan (CECAP)<sup>7</sup> provided recommendations to reduce greenhouse gas emissions. The CECAP Implementation Plan<sup>8</sup> was presented to the Board on December 13, 2022, and detailed actionable steps that can be taken. Strategy 8 includes updates to the Zoning Ordinance to support sustainable land use, including tree-related updates. Strategy 12 supports the expansion of green spaces and the evaluation of specific policies such as the landscaping and screening requirements in the Zoning Ordinance. Additionally, this strategy includes updates to the Zoning Ordinance regarding land use and natural resources to align with CECAP and RF climate goals.

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<sup>5</sup> (Page 29 of the PDF) [https://www.fairfaxcounty.gov/environment-energy-coordination/sites/environment-energy-coordination/files/assets/documents/pdf/strategies%20only\\_resilient%20fairfax%20final%20carp\\_ada.pdf](https://www.fairfaxcounty.gov/environment-energy-coordination/sites/environment-energy-coordination/files/assets/documents/pdf/strategies%20only_resilient%20fairfax%20final%20carp_ada.pdf)

<sup>6</sup> Page 50 of the PDF hyperlinked in Footnote #5.

<sup>7</sup> <https://www.fairfaxcounty.gov/environment-energy-coordination/cecap>

<sup>8</sup> [https://www.fairfaxcounty.gov/environment-energy-coordination/sites/environment-energy-coordination/files/assets/documents/cecap/cecap%20implementation%20plan%201623\\_a-1a.pdf](https://www.fairfaxcounty.gov/environment-energy-coordination/sites/environment-energy-coordination/files/assets/documents/cecap/cecap%20implementation%20plan%201623_a-1a.pdf)