

TOWN OF VIENNA ZONING ORDINANCE
CHAPTER 12
APRIL 1956

CHAPTER 12

ZONING ORDINANCE

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SECTION 12-1.0. DEFINITIONS OF TERMS.

Sec. 12-1.0. For the purpose of this Ordinance certain words and phrases used here are defined as follows:

The words "used for" include "designed for" and vice versa; words used in the present tense include the future; words in the singular number include the plural number and vice versa; the word "building" includes the word "structure," the word "dwelling" includes the word "residence," the word "lot" includes the word "plot," and the word "shall" is mandatory and not directory.

ALLEY: A public way less than thirty (30) feet in width designated as an alley on a record plat or dedicated as such in a deed.

BASEMENT: A story partly or wholly underground. For purposes of height measurement a basement shall be counted as a story where more than one-half of its height is above the average level of the adjoining ground.

BILLBOARD: Any sign or advertisement used as an outdoor display for the purpose of making anything known, about something not attached to or which is remote from said display.

BOARDING HOUSE: A building other than a hotel where, for compensation, meals, or lodging and meals, are provided for three or more, but not exceeding nine guests.

BUILDING: Any structure having roof supported by columns or wall for the housing or enclosure of persons, animals or chattel. When divided by walls without openings each portion or section of such building shall be regarded as a separate building.

BUILDING, ACCESSORY: A detached subordinate building, the use of which is clearly incidental to that of the principal building or to the principal use of the land.

BUILDING, PRINCIPAL: A building in which is conducted the main or principal use of the lot on which said building is located.

BUILDING HEIGHT: The vertical distance measured from the adjoining curb grade to the highest point of the roof surface, if a flat roof; to the deck line of a mansard roof; and to the mean height level between eaves and ridge for a gable, hip or gambrel roof. Where buildings are set back from the street line, the height of the building shall be measured from the average elevation of the finished grade along the front of the building.

BUILDING LINE: A line parallel to the center line of the street which establishes the minimum horizontal distance between the center line of the street and the permissible location of the nearest portion of any building.

BUILDING: UNIT GROUP: Two or more buildings (other than dwellings) grouped upon a lot and held under single ownership, such as, universities, hospitals and institutions.

COMMISSION, ZONING AND PLANNING: The Zoning and Planning Commission consists of the five members appointed by the Circuit Court of Fairfax County as the Zoning Commission of the Town of Vienna and further designated by the Mayor as the Planning Commission of the Town of Vienna.

COURT: An open, unoccupied space, other than a yard, on the same lot with a building or group of buildings and which is bounded on two or more sides by such building or buildings.

CURB GRADE: The elevation of the established curb in front of the building measured at the center of such front. Where no curb grade has been established, the zoning administrator shall establish such curb grade or its equivalent for the purpose of this ordinance.

DWELLING: A building designed as the living quarters for one or more families.

DWELLING UNIT: One or more rooms in a dwelling designed for occupancy by one (1) family for living purposes and having cooking facilities.

DWELLING, ONE-FAMILY: A detached building designed exclusively for occupancy by one (1) family.

DWELLING, TWO-FAMILY: A building, containing two (2) dwelling units, arranged one above the other or side by side.

DWELLING, MULTIPLE-FAMILY (APARTMENT HOUSE): A building or portion thereof, designed for occupancy by three (3) or more families living independently of each other. The term includes boarding or rooming house, guest or tourist house, but does not include hotel, tourist camp, cabin or court, trailer camp, motel or similar premises.

DWELLING, ROW: One of a series of three (3) or more attached one-family dwellings separated from one another by a single partition walls without openings extending from basement to roof.

FAMILY: One or more persons living together and occupying a single housekeeping unit, which may include not to exceed two (2) lodgers or boarders.

GARAGE, PRIVATE: A detached accessory building or portion of a principal building designed for the parking or temporary storage of automobiles by the occupants of the premises.

GARAGE, PUBLIC: A building other than a private garage where automobiles are parked, stored, cared for or equipped.

GUEST HOUSE: Living quarters within a detached accessory building located on the same premises with the principal building, for use by temporary guests of the occupants of the premises; such quarters having no kitchen facilities and not rented or otherwise used as a separate dwelling.

GUEST ROOM: A room which is designed or intended for occupancy by one or more guests, but in which no provision is made for cooking, and not including dormitories for sleeping purposes only.

HOME OCCUPATION: A customary use of a dwelling and premises by the inhabitants thereof not involving, (1) omission of unpleasant sound beyond the premises, (2) outside display, (3) advertising, (4) sales of a commodity on the premises, (5) use of more than twenty-five (25) percent of the livable floor area of the dwelling exclusive of the basement.

HOTEL: Any building or portion thereof which contains guest rooms which are designed or intended to be used, let or hired out for occupancy and which together are intended to provide for accommodations for compensation to ten (10) or more individuals at any given time.

HOTEL, APARTMENT: A building or portion thereof designed for or containing both individual guest rooms or suites of rooms and dwelling units.

JUNK YARD: Any land or building used for abandonment, storage, keeping, collecting, processing, or baling of paper, rags, scrap metals, and other scrap or discarded materials including dismantled automobiles or other vehicles.

LOT: Land occupied or to be occupied by use, building, or unit group of buildings, and accessory buildings, together with such yards and area as required by this ordinance, and having its principal frontage upon a public street accepted by the town of Vienna.

LOT AREA: The total horizontal area within the lot lines of a lot. No alley, public way, public land, or area proposed for future street purposes is included within the net area of a lot.

LOT, CORNER: A lot situated at the intersection of two (2) or more streets, having an angle of intersection of not more than 135 degrees.

CORRECTION No. 2

AMENDMENTS TO THE TOWN OF VIENNA ZONING
ORDINANCE

December 17, 1956

Amend Section 12-1.0 as follows:

PUBLIC: Any land-use, property or structure officially a part of the Town of Vienna, Virginia.

SEMIPUBLIC: Any nonprofit land-use, property or structure of an institutional or civic nature including community buildings not owned and/or operated by a public agency.

LOT DEPTHS: The horizontal distance between the front and rear lot lines, measured along the median between the two side lot lines.

LOT, FRONT OF: The front of a lot shall be considered to be that side of the lot which fronts on a street. In case of a corner lot, the shortest side fronting on the street shall be considered to be the front of the lot or when sides fronting the streets are of equal lengths, the lot shall be considered to front on that street having the longest frontages of lots within the same block.

LOT, INTERIOR: A lot other than a corner lot.

LOT LINES: The lines bounding a lot as defined herein.

LOT, THROUGH: A lot having frontage on two (2) parallel or approximately parallel streets.

LOT WIDTH: The horizontal distance between the side lot lines, measured at right angles to the lot depth at a point midway between the front and rear lot lines.

NON-CONFORMING BUILDING: A building or structure or portion thereof lawfully existing prior to the effective date of this ordinance which was designed, erected, or structurally altered for a use that does not conform to the use regulation of this ordinance pertaining to the district in which it is located.

NON-CONFORMING USE: A use which lawfully occupied a building or land prior to the effective date of this ordinance and which does not conform with the use regulations of this ordinance pertaining to the district in which it is located.

PARKING AREA, PRIVATE: An open area, other than a street or alley, used for the parking of the automobiles of occupants of a dwelling.

PARKING AREA, PUBLIC OR CUSTOMER: An open area, other than a private parking area, street or alley, used for the parking of automobiles and available for public or quasi-public use.

PARKING SPACE, AUTOMOBILE: Space within a building or a private or public parking area for the parking of one (1) automobile.

ROOMING HOUSE: A dwelling in which, as a home occupation and for compensation, lodging only is furnished to three (3) or more, but not over nine (9) guests. Such dwelling shall contain not over five (5) guest rooms.

SIGN: Any words, numerals, figures, devices, designs or trade marks by which anything is made known, such as are used to designate an individual, a firm, profession, business, or a commodity and which are visible from any public street.

STORY: That portion of a building included between the surface of any floor and the surface of the next floor above it, or, if there be no floor above it, then the space between such floor and ceiling next above it.

STREET: A public thoroughfare, thirty (30) feet or more wide. Where title to land extends to the center of a road, easement or right-of-way, the side lines of such road, easement, or right-of-way shall be considered as the side line of a street.

STREET LINE: A line defining the edge of a street right-of-way and separating the street from abutting property or lots.

STREET WIDTH: The horizontal distance between the side lines of a street, measured at right angles to the side lines.

STRUCTURE: Anything constructed or erected which requires location on the ground or attached to something having a location on the ground but not including a tent or vehicle. Customary garden accessories such as fences, trellises, grapevine supports, etc. are not included in this definition of structure.

TOURIST CAMP: Land used or intended to be used, let or rented for occupancy by campers traveling by automobile or otherwise, or for occupancy by or of trailers, tents or movable or temporary dwellings, rooms or sleeping quarters of any kind; the parking or supporting by a foundation of two or more trailers will be termed a Tourist Camp.

TOURIST COURT: A group of attached or detached buildings which are provided for transient guests; including auto courts, motels and motor lodges.

TOURIST HOME: A dwelling in which boarding or rooming, or both are offered to the traveling public for compensation, open to transient guests, in contra-distinction to a boarding house or rooming house.

TRAILER: A resident, house car, camp car, or any portable or mobile vehicle on wheels, skids, or rollers, not structurally anchored to a foundation, either self-propelled, or propelled by an attached vehicle, animal, person, or other propelling apparatus, which is used or may be used for residential, commercial, hauling, or storage purposes, and herein referred to as a trailer.

TRAILER CAMP: Same as "Tourist Camp."

USE: The purpose for which land or a building is arranged, designed or intended, or for which either land or a building is or may be occupied or maintained.

YARD: An open space on the same lot with a principal building or group of principal buildings, which open space lies between the building or outer building of a group and the nearest lot or street line.

YARD, FRONT: A yard extending across the full width of the lot, between the nearest principal building and the front lot line. The depth of the required front yard shall be measured horizontally from the nearest part of the principal building to the nearest point of the front lot line.

YARD, REAR: A yard extending across the full width of the lot between the nearest rear principal building and the rear lot line. The depth of the required rear yard shall be measured horizontally from the nearest part of a principal building toward the nearest point of the rear lot line.

YARD, SIDE: A yard between a principal building and the side lot line, extending from the front yard, or front lot line, where no front yard is required, to the rear yard. The width of the required side yard shall be measured horizontally from the nearest point of the side line toward the nearest part of the principal building.

ZONE: Area within which certain uses of land and buildings are permitted and certain others are prohibited; yards and other open spaces are required; lot areas, building height limits, and other requirements are established; all of the foregoing being identical for the zone in which they apply.

ZONING ADMINISTRATOR: The Town official designated by the Vienna Town Council to administer this ordinance, as provided herein.

ZONING MAP: The "Official Zoning Map for Vienna, Virginia," dated September 6, 1955, together with all amendments thereto subsequently adopted.

SECTION 12-2.0. ZONES AND MAPS.

Sec. 12-2.0. For the purpose of this ordinance, the Town of Vienna is hereby divided into categories of seven (7) zones as follows:

- RS-20 Zone: One-family detached residential.
- RS-10 Zone: One-family detached residential.
- RM-2 Zone: Multi-family, low density.
- C-1 Zone: Commercial, local.
- C-2 Zone: Commercial, general.
- CM Zone: Industrial, limited.
- M Zone: Industrial.

Sec. 12-2.1. ZONING MAP. The locations and boundaries of the zones shall be as shown on a map entitled, "Town of Vienna, Virginia, Zoning Map, dated September 6, 1955," which map is hereby declared to be a part of this ordinance.

Sec. 12-2.2. ZONE BOUNDARIES. Where uncertainty exists as to the boundaries of any of the zones established in Section 12-2.0 and as shown on the Zoning Map, the following rules shall apply:

Sec. 12-2.21. Zone boundary lines are intended to follow street, alley, lot or property lines, unless such zone boundary lines are fixed by dimensions, as shown on said Zoning Map.

Sec. 12-2.22. Where zone boundaries are so indicated that they approximately follow lot lines and are not more than ten (10) feet distant therefrom, such lot lines shall be such boundaries.

SECTION 12-3.0. GENERAL PROVISIONS

Sec. 12-3.0. In interpreting and applying this ordinance, the requirements contained herein are declared to be the minimum requirements for the protection of the health, morals, safety, and welfare of the inhabitants of the Town of Vienna, Virginia. Except as hereinafter provided, the following general regulations shall apply:

Sec. 12-3.1. USES.

Sec. 12-3.11. No building or structure shall be erected, reconstructed, structurally altered, enlarged, or moved, nor shall any land, or building be used or designed to be used for any purpose other than is permitted in the zone in which such building or land is located.

Sec. 12-3.12. Every building hereafter erected shall be located on a lot as herein defined; and, except as herein provided, there shall be no more than one (1) building on one (1) lot.

Sec. 12-3.2. HEIGHT.

Sec. 12-3.21. No building or structure shall be erected, reconstructed, or structurally altered to exceed in height the limit hereinafter designated for the zone in which such building or structure is located.

Sec. 12-3.3. AREA.

Sec. 12-3.31. No building or structure shall be erected, reconstructed, structurally altered, enlarged, or moved, nor shall any open space surrounding any building be encroached upon or reduced in any manner, except in conformity with all area and building location regulations hereinafter designated for the zone in which such building or open space is located.

Sec. 12-3.32. No yard or other space provided about any building for the purpose of complying with the provisions of this ordinance shall be considered as providing a yard or open space for any other building, and no yard or other open space on one lot shall be considered as providing a yard or open space for a building or any other lot.

Sec. 12-3.33. No lot or parcel of land with or without buildings, at the time this ordinance became effective shall be subdivided, resubdivided, or re-

SECTION 12-4.0. RS-20 ZONE: SINGLE FAMILY

Sec. 12-4.0. The following regulations shall apply in all RS-20 Zones:
For supplemental Regulations, see Section 12-13.0.

Sec. 12-4.1. USES PERMITTED. The following uses are permitted:

One-family detached dwelling.

Accessory buildings, including barns and other bona fide farm buildings, and private garages.

Churches, and other places of worship.

Customary Agricultural Operations, including the following: Floriculture, horticulture, gardening, nurseries, dairy and poultry farming and horse breeding; provided, all such animals and all structures or buildings necessary in conjunction with the above customary operations are not within one hundred (100) feet of any property line.

Customary Home Occupations, such as the home office of a physician, surgeon, dentist, or other persons authorized by law to practice medicine or healing; home office of a minister of religion; also the home office of resident members of recognized professions (does not include real estate offices); see definition of "Home Occupation," Section 12-1.0.

Sec. 12-4.11. CONDITIONAL USES: The following uses may also be permitted subject to securing a Use Permit as provided in Section 12-16.0.

Airports, airparks, and airfields (private).

Cemeteries.

Colleges and Schools (Private, Elementary and High) of a non-commercial nature.

Golf Courses, Country Clubs, Private Clubs, including community buildings and similar recreational uses not owned and/or operated by a public agency. (Does not include golf driving ranges.)

Hospitals and Sanitariums, except clinics not an accessory use to a hospital or sanitarium, animal hospital; and facilities for treating contagious diseases, mental disorders, and drug or liquor addict cases.

Institutional homes and Institutions of an educational or philanthropic nature, except those of a correctional nature or for mental cases.

Nursery and Kindergarten Schools (private).

Public Buildings and Uses.

Public Parks, playgrounds, and other recreational uses.

Public Utilities and devices including the following: Static transformer stations, transmission lines and towers, radio and television towers, telephone exchanges (but excluding service and storage yards), provided that the exterior appearance of any building permitted under this paragraph shall be in keeping with the character of the neighborhood in which it is located.

Sec. 12-4.12. TRANSITIONAL USES: The following uses shall be permitted on a lot in the RS-20 Zones where side or rear of such lot abuts upon a lot in a commercial or industrial zone, provided such Transitional Use does not exceed two hundred (200) feet from the boundary of the less restricted zone which it adjoins, and provided further that such Transitional Use shall not extend into the required front yard setbacks of property on adjacent streets:

(a) The principal office of a physician, surgeon, or dentist, provided such use is conducted within a dwelling and the residential character of such dwelling is not changed.

(b) Public parking area if a Use Permit is secured as provided for in Section 12-16.0, and said area is located and developed as required in Section 12-11.4.

Sec. 12-4.13: Any use not specifically permitted in Section 12-4.1, 12-4.11, and 12-4.12 is hereby prohibited.

Sec. 12-4.2. AREA REQUIREMENTS.

Sec. 12-4.21. Lot Area: Minimum, 20,000 square feet. Where both water and sanitary facilities are provided by the town of Vienna, minimum lot area shall be 12,500 square feet.

Sec. 12-4.22. Lot Widths: Minimum, 80 feet. Minimum width at street line fifty (50) feet.

Sec. 12-4.23. Lot Coverage: Not more than twenty-five (25) per cent of a lot shall be covered by buildings including accessory buildings, and or automobile parking space. For the purposes of computing lot coverage a minimum of two-hundred (200) square feet of accessory building or automobile parking space shall be required for each family occupying such lot.

Sec. 12-4.24. Yard Requirements:

Sec. 12-4.241. Front Yard: The building line shall not be less than fifty (50) feet measured from the center line of the street, when fronting upon a street of less than fifty (50) feet in width; and not less than twenty-five (25) feet measured from the street line fronting upon a street of fifty (50) feet or more in width. In case of a through lot, the building line on any street or streets shall be determined in the aforesaid manner, or as hereinafter required.

Sec. 12-4.242. Side Yard: Minimum fifteen (15) feet each in width. Buildings other than dwellings and their accessory buildings shall have a side yard on each side of the building of not less than thirty (30) feet in width.

A corner lot shall have a side yard along its street side at least twenty-five (25) feet in width.

Sec. 12-4.243. Rear Yard: Minimum thirty-five (35) feet in depth.

Sec. 12-4.3. HEIGHT LIMIT: Maximum height $2\frac{1}{2}$ stories, but not to exceed thirty-five (35) feet.

Sec. 12-4.4. ACCESSORY Buildings and Private Parking Area Requirements: As specified in Section 12-12.0.

Sec. 12-4.5. OFF-STREET Parking Area: As specified in Section 12-11.0.

Sec. 12-4.6. NAME PLATE and Signs: As specified in Section 12-14.0.

Sec. 12-5.0. RS-10 ZONE - SINGLE FAMILY. The following regulations shall apply in all RS-10 Zones; For Supplemental Regulations see Section 12-13.0.

Sec. 12-5.1. USES PERMITTED. All uses permitted in RS-20 Zone.

Sec. 12-5.11. CONDITIONAL USES. All conditional uses permitted in RS-20 Zone.

Sec. 12-5.12. TRANSITIONAL USES as provided for in RS-20 Zones. (See Section 12-4.12)

Sec. 12-5.13. Any use not specifically permitted in Section 12-5.1, 12-5.11 and 12-5.12 is hereby prohibited.

Sec. 12-5.2. AREA REQUIREMENTS.

Sec. 12-5.21. Lot Area: Minimum 10,000 square feet.

Sec. 12-5.22. Lot Width: Minimum 70 feet minimum width at street line forty (40) feet.

Sec. 12-5.23. Lot Coverage: Same as specified for RS-20 Zone.

Sec. 12-5.24. Yard Requirements:

Sec. 12-5.241. Front Yard: Same as specified for RS-20 Zone.

Sec. 12-5.242. Side Yard: Minimum twelve (12) feet each in width. Buildings other than dwellings and their accessory buildings shall have a side yard on each side of the building of not less than forty (40) feet in width.

Corner lots shall have a side yard along its street side at least twenty-five (25) feet in width.

Sec. 12-5.243. Rear Yard: Same as specified for RS-20 Zone.

Sec. 12-5.3. HEIGHT LIMIT. Same as specified for RS-20 Zone.

Sec. 12-5.4. ACCESSORY Building and Private Parking Area Requirements: As specified in Section 12-12.0.

Sec. 12-5.5. OFF-STREET Parking Area: As specified in Section 12-11.0.

Sec. 12-5.6. NAME PLATE and SIGNS: As Specified in Section 12-14.0.

Sec. 12-6.0. RM-2 ZONE - MULTI-FAMILY. The following regulations shall apply in all RM-2 Zones: For supplemental regulations See Section 12-13.0.

Sec. 12-6.1. USES PERMITTED. The following uses are permitted:

All uses permitted in RS-20 Zones.

Two-family dwellings.

Multiple-Family dwelling, including: Apartment House, Guest House, Tourist Home, Rooming House and Boarding House.

Sec. 12-6.11. CONDITIONAL USES. All Conditional Uses permitted in RS-20 Zone.

Principal offices of physicians, medical or dental clinics and laboratories.

Sec. 12-6.12. TRANSITIONAL USES: As provided for in RS-20 Zone. (See Section 12-4.12.)

Sec. 12-6.13. Any use not specifically permitted in Section 12-6.1, 12-6.11, and 12-6.12 is hereby prohibited.

Sec. 12-6.2. AREA REQUIREMENTS: All single-family detached dwellings shall adhere to the area requirement as specified for RS-10 Zone. (See Section 12-5.2.)

All two-family dwellings for purposes of computing area requirements shall be considered as occupying one lot and each such lot shall adhere to the area requirements as specified for RS-10 zone except the area need not exceed eight thousand (8000) square feet.

Sec. 12-6.21. Lot Area: Every lot shall have a minimum area of eight thousand (8000) square feet. The minimum lot area per dwelling unit for apartment houses, including resident employees' dwelling units, shall be two thousand (2,000) square feet.

Sec. 12-6.22. LOT WIDTH: Minimum seventy (70) feet. Minimum width at street line forty (40) feet.

Sec. 12-6.23. LOT COVERAGE: Same as specified for RS-20 Zone.

Sec. 12-6.24. YARD REQUIREMENTS:

Sec. 12-6.241. FRONT YARD: Same as specified for RS-20 Zone.

Sec. 12-6.242. SIDE YARD: Minimum fifteen (15) feet each in width. Buildings other than dwellings and their accessory buildings shall have a side yard on each side of the buildings of not less than twenty-five (25) feet in width.

Corner lots shall have a side yard along its street side at least twenty-five (25) feet in width.

Sec. 12-6.243. REAR YARD. Minimum thirty-five (35) feet in depth.

Sec. 12-6.244. COURT REQUIREMENTS: No court shall be enclosed by walls on all four sides. A court shall have a width equal to or greater than the height of the adjoining building, but in no case shall said width be less than twenty (20) feet. The depth of the court shall not be more than one and one-half ($1\frac{1}{2}$) times its width.

Sec. 12-6.245. For apartment projects of more than one (1) building, the front, side and rear yard requirements for this section shall apply along the boundary lines of the project. The minimum distances between the principal buildings within the project area shall be as follows:

(a) where buildings are front to front, or front to rear, two (2) times the height of the taller building, but not less than seventy (70) feet; (b) side to side, one (1) times the height of the taller building but not less than twenty (20) feet; and (c) front to side, rear to side, or rear to rear, one and one-half ($1\frac{1}{2}$) times the height of the taller building, but not less than fifty-five (55) feet; provided that where roadways are located between said buildings, the width of such roadway shall be in addition to the above minimum distances between buildings.

Sec. 12-6.3. HEIGHT LIMIT: Maximum height two and one-half ($2\frac{1}{2}$) stories, but not to exceed thirty-five (35) feet.

Sec. 12-6.4. ACCESSORY BUILDINGS AND PRIVATE PARKING AREA REQUIREMENTS: As specified in Section 12-12.0.

Sec. 12-6.5. OFF-STREET PARKING AREAS: As specified in Section 12-11.0.

Sec. 12-6.6. NAME PLATE AND SIGNS: As specified in Section 12-14.0.

Sec. 12-7.0. C-1, LOCAL COMMERCIAL ZONE. The following regulations shall apply in all C-1 Zones. For Supplemental Regulations, see Section 12-15.0.

Sec. 12-7.1. USES PERMITTED.

Sec. 12-7.11. All uses permitted in RM-2 Zone.

Sec. 12-7.12. The retail uses listed within this subsection are permitted provided (1) No industry or manufacturing shall be permitted except the making of articles to be sold at retail on the premises, no killing of poultry, or live-stock, and no wholesaling or jobbing shall be carried on, and no merchandise shall be stored other than that to be sold at retail on the premises; (2) such stores, shops or businesses shall be conducted wholly within an enclosed building; (3) all products produced, whether primary or incidental, shall be sold at retail on the premises; (4) such uses, operation or products are not objectionable due to odor, dust, smoke, noise, vibration, or other similar causes.

Bakery.

Barber shop or beauty parlor.

Book or stationery store.

Confectionary store.

Custom dressmaking or millinery shop.

Drug Store.

Electric appliance store.

Florist or gift shop.

Grocery, fruit or vegetable store.

Hardware store.

Jewelry store.

Laundry pick-up station, cleaning pick-up station or self-service laundry

Photographer.

Radio and television shop.

Restaurant, tea room or cafe (excluding dancing or entertainment).

Shoe store or shoe repair shop.

Tailor, clothing or wearing apparel shop.

Sec. 12-7.13. Business and professional offices are also permitted.

Sec. 12-7.14. Other uses which, in the judgment of the Town Council after receiving prior report from the Zoning and Planning Commission concerning said uses, are of the same general character as those listed in this sub-section and which will not be detrimental to the zone in which located; provided no use shall be permitted which is specified under Section 12-8.12, 12-9.12, 12-10.12 or 12-10.2.

Sec. 12-7.15. Uses customarily incident to any of the above permitted uses and accessory buildings.

Sec. 12-7.2. CONDITIONAL USES: The following uses may also be permitted subject to securing a Use Permit as provided for in Section 12-16.0.

Automobile service station.

See supplemental regulations, Section 12-13.135.

Automobile parking lot (public) located and developed as specified in Section 12-11.4.

Any conditional use included within this section which existed prior to the adoption of this ordinance shall be a permitted use without securing a Use Permit.

Sec. 12-7.3. AREA REQUIREMENTS: For buildings hereafter erected and used exclusively for dwelling purposes, see Section 12-13.11.

Buildings hereafter erected and used partly for dwelling and partly for commercial purposes, see Section 12-13.11.

Sec. 12-7.31. YARD REQUIREMENTS.

Sec. 12-7.311. FRONT YARD: Same as specified for RS-20 Zone.

Sec. 12-7.312. SIDE YARD: None required, except that if the lot adjoins a lot in a Residential Zone along its side lot line, there shall be a side yard of at least eight (8) feet.

Sec. 12-7.313. REAR YARD: Minimum twenty-five (25) feet in depth.

Sec. 12-7.4. HEIGHT LIMIT: Maximum height three (3) stories, but not to exceed thirty-five (35) feet.

Sec. 12-7.5. ACCESSORY BUILDING AND PRIVATE PARKING AREA REQUIREMENTS: As specified in Section 12-12.0.

Sec. 12-7.6. OFF-STREET PARKING AREA: As specified in Section 12-11.0.

Sec. 12-7.7. NAME PLATE AND SIGNS: As specified in Section 12-14.0.

Sec. 12-8.0. C-2, GENERAL COMMERCIAL ZONE. The following regulations shall apply in all C-2 Zones. For Supplemental Regulations see Section 12-13.0.

Sec. 12-8.1. USES PERMITTED.

Sec. 12-8.11. All uses permitted in C-1, Local Commercial Zone.

Sec. 12-8.12. The following specified retail stores, shops, or businesses shall be permitted provided that: (1) there shall be no manufacture, compoundings, processing or treatment of products other than that which is clearly incidental and essential to a retail store or business and where all such products are sold at retail on the premises; (2) such uses, operations, products that are not objectionable due to odor, dust, smoke, gas, noise, vibration, or other similar causes.

Art or antique shop.

Automobile service station, provided that services involving the use of grease racks and similar equipment, minor repairs, storage and similar services connected with the operation of an automobile service station shall be conducted entirely within a building.

See Supplemental Regulations, Section 12-13.135.

Automobile parking lot (public) provided it is developed in accordance with provisions of Section 12-11.4.

Bank.

Bird or taxidermist establishment.

Business college operated as a commercial enterprise.

Blueprinting, ozalid or photostating.

Catering establishments.

Cleaning establishments (limited to retail on premises).

Department store.

Feed or fuel store, wholly within a building.

Frozen food lockers, excluding wholesale storage.

Hospitals or sanitariums.

Ice storage houses, not more than five (5) tons capacity.

Interior decorating store.

Medical or dental clinics and laboratories.

Music conservatory or music instructor.

Newsstand.

Nursery, flower or plant, provided that all incidental equipment and supplies, including fertilizer and empty cans, are kept within a building.

Pawnshop.

Plumbing or sheet metal shops, if clearly retail and conducted wholly within a completely enclosed building.

Pony riding ring, without stables.

Public Service, including electric distributing substation, fire or police station, telephone exchange, and the like.

Second-hand store, if conducted wholly within a completely enclosed building.

Sign painting shop.

Theatres.

Wholesale merchandising broker, excluding wholesale storage.

Sec. 12-8.13. Other uses which, in the judgment of the Town Council after receiving prior report from the Zoning and Planning Commission concerning said uses, are of the same general character as those listed in this sub-section and will not be detrimental to the zone in which located; provided no use shall be permitted which is specified under Section 12-9.12, 12-10.12 or 12-10.2.

Sec. 12-8.14. Uses customarily incident to any of the above uses and accessory buildings.

Sec. 12-8.2. **CONDITIONAL USES:** The following uses may also be permitted subject to securing a Use Permit as provided for in Section 12-16.0.

Amusement enterprises.

Auditoriums.

Auto sales, new and/or second-hand.

Farm or gardening implements sales and service.

Feed and grain sales and storage.

Sec. 12-8.3. **AREA REQUIREMENTS:** For buildings hereafter erected and used exclusively for dwelling purposes, see Section 12-13.11.

Buildings hereafter erected and used partly for dwelling and partly for commercial purposes, see Section 12-13.11.

Sec. 12-8.31. **YARD REQUIREMENTS.**

Sec. 12-8.311. **FRONT YARD:** For buildings fronting on streets with widths of ninety feet or more, no setback from the street line is required; for buildings fronting on streets with less than ninety (90) feet, the minimum setback shall be forty-five (45) feet from the center line of the street.

In the case of buildings upon lots running through from street to street, or on lots having a frontage on two or more streets, or on corner lots, the building line on the other street or streets shall be determined in the aforesaid manner.

Sec. 12-8.312. **SIDE YARD:** None required.

Sec. 12-8.313. **REAR YARD:** Minimum of ten (10) feet.

Sec. 12-8.4. **HEIGHT LIMIT:** Maximum height three (3) stories, but not to exceed thirty-five (35) feet.

Sec. 12-8.5. ACCESSORY BUILDINGS AND PRIVATE PARKING AREA REQUIREMENTS: As specified in Section 12.0.

Sec. 12-8.6. OFF-STREET PARKING AREA: As specified in Section 12-11.0.

Sec. 12-8.7. NAME PLATES AND SIGNS: As specified in Section 12-14.0.

Sec. 12-9.0. CM, LIMITED INDUSTRIAL ZONE. The following regulations shall apply in all CM zones. For Supplemental Regulations, see Section 12-13.0.

Sec. 12-9.1. USES PERMITTED. All uses permitted in C-2 Zones, including Conditional Uses under Section 12-8.2 without securing a Use Permit.

Sec. 12-9.11. Uses to be conducted wholly within a completely enclosed building except for the on-site parking of delivery vehicles which are incidental thereto:

The manufacture, compounding, processing, packaging or treatment of such products as bakery goods, candy, cosmetics, dairy products, drugs, perfumes, pharmaceuticals, perfumed toilet soap, toiletries, and food products except fish and meat products, sauerkraut, vinegar, yeast and the rendering or refining of fats and oils.

The manufacture, compounding, assembling or treatment of articles or merchandise from the following materials which have been prepared beforehand; bone, cellophane, canvas, cloth, cork, feathers, felt, fiber, fur, glass, hair, horn, leather, paper, plastics, precious or semi-precious metals or stones, shell, textiles, tobacco, wood, yarns and paint not employing a boiling process.

The manufacture of pottery and figurines or other similar ceramic products using only previously pulverized clay, and kilns fired only by electricity or gas.

The manufacture and maintenance of electric and neon signs, billboards, commercial advertising structures, light sheet metal products, including heating and ventilating ducts and equipment, cornices, eaves, and the like.

The manufacture of musical instruments, toys, novelties and rubber and metal stamps.

Assembly of electrical appliances, electronic instruments and devices, radios, television sets and phonographs; electro-plating and the manufacture of small parts and components such as, coils, condensers, transformers, crystal holders and the like.

Automobile assembling, painting, upholstering, rebuilding, reconditioning, body and fender works, truck repairing or overhauling, tire retreading, or recapping, battery manufacturing and the like.

Blacksmith shop and machine shop excluding punch presses over twenty (20) tons rated capacity, drop hammers and automatic screw machines.

Distribution plants, parcel delivery, ice and cold storage plant, bottling plant, and food commissary or catering establishment.

Foundry casting lightweight non-ferrous metal not causing noxious fumes, noise or odors.

Laboratories: experimental, photo or motion picture, film, or testing.

Laundry, cleaning and dyeing works and carpet and rug cleaning.

Poultry or rabbit killing incidental to a retail business on the same premises.

Veterinary or dog or cat hospitals, and kennels.

Wholesale business, storage buildings and warehousing.

Sec. 12-9.12. Uses to be conducted wholly within a completely enclosed building or within an area enclosed on all sides with a solid wall, or uniformly painted board fence, not less than six (6) feet in height:

Building material sales yard, including the sale of rock, sand, gravel and the like as an incidental part of the principal business, but excluding concrete mixing.

Carpenter or cabinet shop.

Contractor's equipment storage yard or plant, or rental of equipment commonly used by contractors.

Draying, freighting or trucking yard or terminal.

Feed and fuel yard.

Plumbing yard or storage.

Public Utility service yard or electrical receiving or transforming station.

Retail lumber yard, including only incidental mill work.

Sheet metal shops.

Sec. 12-9.13. Other uses which, in the judgment of the Town Council after receiving prior report from Zoning and Planning Commission concerning said uses, are of the same general character as those listed under Section 12-9.11, and 9.12 and will not be detrimental to the zone in which located, provided no use shall be permitted which is specified under Section 12-10.12 or Section 12-10.2.

Uses customarily incident to any of the above uses and accessory buildings.

Sec. 12-9.2. CONDITIONAL USES: None.

Sec. 12-9.3. AREA REQUIREMENTS: Same as specified for C-2 Zone.

Sec. 12-9.31. YARD REQUIREMENTS:

Sec. 12-9.311. FRONT YARD: Same as specified for C-2 Zone.

Sec. 12-9.312. SIDE YARD: None required.

Sec. 12-9.313. REAR YARD: A minimum of ten (10) feet.

Sec. 12-9.4. HEIGHT LIMIT: Forty-five (45) feet.

Sec. 12-9.5. ACCESSORY BUILDINGS AND PRIVATE PARKING AREA REQUIREMENTS: As specified in Section 12-12.0.

Sec. 12-9.6. OFF-STREET PARKING AREA: As specified in Section 12-11.0.

Sec. 12-9.7. NAME PLATE AND SIGNS: As specified in Section 12-14.0.

Sec. 12-10.0. I, INDUSTRIAL ZONE: The following regulations shall apply in all I Zones. For Supplemental Regulations, see Section 12-13.0.

Sec. 12-10.1. USES PERMITTED.

Sec. 12-10.11. All uses are permitted in this zone which are permitted in CM-Zone without restriction as to confinement within buildings, fences or other comparable enclosures.

Sec. 12-10.12. The following uses are permitted:

Emery cloth or sand paper manufacture.
Glucose, dextrine or starch manufacture.
Gas (illuminating or heating) manufacture.
Iron, steel, brass, or copper foundry.
Oiled rubber or leather goods manufacture.
Paint, oil, shellac, varnish or turpentine manufacture.
Petroleum, storage of.
Printing ink manufacture.
Sauerkraut or pickle, etc., manufacture.
Sausage manufacture.
Soda manufacture.
Storage or baling of scrap paper, iron, bottles, rags or junk.
Vinegar manufacture.

Sec. 12-10.13. Other uses, which in the judgment of the Town Council after receiving prior report from Zoning and Planning Commission concerning said uses, are of the same general character as those listed in this sub-section and will not be detrimental to the zone in which located, provided uses included under Section 12-10.2 are prohibited.

Sec. 12-10.14. Uses customarily incidental to any of the above uses and accessory buildings.

Sec. 12-10.2. USES PROHIBITED. The following uses are prohibited:

Abattoirs or slaughter houses.
Ammonia, bleaching powder or chlorine manufacture.
Apartment houses, except when adjoining a residential zone.
Cement or concrete mixing plant or manufacture.
Crematory.
Disinfectants, cattle dips, exterminators or insecticides manufacture, not including the compounding of same.
Dwellings or residences of any type, except when adjoining a residential zone.
Dyestuff manufacture.
Distillation of bones.
Fertilizer manufacture, not including compounding.
Fireworks or explosives manufacture or storage or the loading of explosives.
Fish smoking or curing.
Gelatin, glue or size manufacture or process involving recovery from fish or animal material.
Gunpowder manufacture or storage.
Hotels.
Incineration or reduction of garbage, dead animals, offall or refuse other than by an authorized public agency.
Lime, gypsum, plaster or plaster of paris manufacture.
Match manufacture.
Potash works.
Pulp mills.
Pyroxylin, plastics or celluloid manufacture, or explosive or inflammable cellulose or pyroxylin products manufacture.
Rendering plant or other comparable processing of fish or animal material.
Smelters.

Sulphurous, sulphuric, nitric or hydrochloric or other corrosive or offensive acid manufacture or their use except as accessory to a permitted industry.

Stockyards.

Tanning, curing or storage of raw hides or skins.

Any use prohibited by existing ordinances.

Sec. 12-10.21. Other uses which, in the judgment of the Town Council after receiving report from Zoning and Planning Commission concerning said uses, are of the same general character as those listed in the above Section 12-10.2.

Sec. 12-10.3. AREA REQUIREMENTS.

Sec. 12-10.31. YARD REQUIREMENTS.

Sec. 12-10.311. FRONT YARD: Same as specified for C-2 Zone.

Sec. 12-10.312. SIDE YARD: None required.

Sec. 12-10.313. REAR YARD: A minimum of ten (10) feet.

Sec. 12-10.4. HEIGHT LIMIT: Forty-five (45) feet.

Sec. 12-10.5. ACCESSORY BUILDING REQUIREMENTS. As specified in Section 12-12.0.

Sec. 12-10.6. OFF-STREET PARKING AREA. As specified in Section 12-11.0.

Sec. 12-10.7. SIGNS. As specified in Section 12-14.0.

SECTION 12-11.0. OFF-STREET PARKING AREA

Sec. 12-11.1. No application for a building permit, use permit, or occupancy permit for a commercial or an industrial building or use in any commercial or industrial zone shall be approved, unless there is included with the plan for such building, improvement, or use, a plot plan showing the required open space designated as an Automobile Parking Compound for off-street parking purposes in accordance with the following schedule; and no use permit and occupancy permit shall be issued unless the required facilities have been provided in accordance with those shown on the approved plan.

Sec. 12-11.11. For purposes of computation under this Ordinance, one automobile parking space shall be two hundred (200) square feet in area, exclusive of adequate interior ingress and egress driveways.

Sec. 12-11.12. All garage or other space allocated for the parking of vehicles, within buildings or in basements or open space on the roofs of buildings, shall be considered part of the required off-street parking requirements.

Sec. 12-11.2. SCHEDULE REQUIREMENTS: Off-street Parking Space shall be provided as follows:

Sec. 12-11.21. For residential uses: Each family unit of any residential building shall be provided on the same lot therewith not less than one (1) permanently constructed and maintained off-street parking space. Such off-street parking space shall be connected to a public street by a permanently constructed and maintained driveway.

Sec. 12-12.3. No accessory building or private parking area on a corner lot shall be constructed beyond the building line of any adjoining lot, nor be located nearer than five (5) feet to the side line of such adjoining lot.

Sec. 12-12.4. A double garage with fire or masonry wall along a common property line dividing the two stalls, may be constructed provided the garage is of masonry construction and the wall along the common property line extends to the roof.

Sec. 12-12.5. The location of accessory buildings or parking areas for dwellings erected in commercial or industrial zones shall be the same as required above.

Sec. 12-12.6. A private automobile garage having any part of a wall in common with a dwelling is considered a part of the principal building and not an accessory building.

Sec. 12-12.7. A trailer is not considered an accessory building.

SECTION 12-13.0. SUPPLEMENTAL REGULATIONS AND EXCEPTIONS

Sec. 12-13.0. The regulations specified in this ordinance shall be subject to the following Supplemental Regulations and Exceptions:

Sec. 12-13.1. SUPPLEMENTAL REGULATIONS:

Sec. 12-13.11. Use.

Sec. 12-13.111. Any one-family dwelling erected in a less restricted zone insofar as such is permitted, shall conform to all regulations in the RS-10 zone.

Sec. 12-13.112. Any multi-family dwelling erected in any commercial or industrial zone insofar as such is permitted shall conform to all the regulations applying in the RM-2 zone.

Sec. 12-13.113. Any building hereafter erected and used partly for dwelling and partly for commercial purposes shall comply with the lot area requirements for the RM-2 zone. (See Section 12-13.233).

Sec. 12-13.114. Row Dwellings as herein defined are prohibited.

Sec. 12-13.115. The use of a trailer for living purposes is hereby prohibited.

Sec. 12-13.116. The parking of a commercial vehicle in a residential zone is hereby prohibited except that one commercial vehicle of two and one-half (2½) tons capacity or less may be parked or stored in any approved enclosed garage, or accessory building, on any lot or plot.

Sec. 12-13.117. Any area annexed to the Town of Vienna after the effective date of this ordinance shall, immediately upon such annexation be automatically classified as an "RS-20" Zone until a zoning map for said area has been adopted by the Town Council. The Zoning and Planning Commission shall recommend to the Town Council appropriate zoning for the annexed area within three (3) months after the effective date of such annexation.

Sec. 12-13.118. In any residential zone any fence along the side yard from the rear line of lot to the rear line of dwelling may be six (6) feet high but shall be fifteen (15) per cent open. Any fence along the front of the property or along the side lines of the dwelling to the front line of the property shall be not more than four (4) feet high and shall be fifteen (15) per cent open.

Sec. 12-13.119. A twenty (20) foot alley shall be required between residential and commercial or industrial zones.

Sec. 12-13.12. HEIGHT.

Sec. 12-13.121. Public buildings may be erected to a height not over sixty (60) feet, provided the front, rear and side yards shall be increased one (1) foot for each one (1) foot by which such building exceeds the height limit established for the zone in which such building is erected.

Sec. 12-13.13. AREA.

Sec. 12-13.131. No merchandise shall be displayed nor retail business conducted between the street line and the building line.

Sec. 12-13.132. No basement living quarters shall be maintained in any dwelling where the floor grade is more than two (2) feet below the surrounding yard grade, except where the entire exterior wall area of one of the longer sides of the basement is above the ground level of the yard.

Sec. 12-13.133. On any corner lot in a residential zone there shall be no planting, structure, fences, shrubbery, or obstruction to vision more than three (3) feet above the curb level within twenty-five (25) feet of the intersection of any two street lines.

Sec. 12-13.134. On any corner lot in a Commercial Zone no building or obstruction shall be permitted within eight (8) feet of the intersection of any two street lines.

Sec. 12-13.135. Gasoline pumps shall be erected at least ten (10) feet behind the building line. When a gasoline service station occupies a corner lot, the ingress or egress driveways shall be located at least twenty (20) feet from the intersection of the front and side street lines of the lot. Any driveway serving a gasoline service station shall not exceed twenty-five (25) feet in width. A lot shall not be used for a gasoline service station if it is within three hundred (300) feet of an entrance to a public or parochial school, a public park or playground.

Sec. 12-13.136. Each commercial or industrial building hereafter erected with any side wall containing windows or other openings which does not side on a street or alley, shall provide along such wall a side yard of not less than five (5) feet and one (1) foot additional for each story above the first story.

Sec. 12-13.137. For "unit group buildings" other than dwellings, the front, side and rear yards along the lot lines shall be the same as required for the zone in which the property is located; and the minimum distances between the main buildings within the side area shall be equivalent to the sum of the

two required front, side or rear yards, or a combination of two of the above yards, according to the arrangement and relationship of the buildings.

Sec. 12-13. . . . EXCEPTIONS.

Sec. 12-13.21. USE.

Sec. 12-13.211. The only use exceptions are: (a) existing non-conforming uses permitted by Section 15, and, (b) uses permitted under changes and amendments to this ordinance as provided by Section 12-17.

Sec. 12-13.22. HEIGHT:

Sec. 12-13.221. On any lot, sloping downhill from the street, which has an average ground slope on that proportion of the lot to be occupied by the principal building, of twenty-five (25) per cent or more, an additional story may be permitted.

Sec. 12-13.222. Penthouses or roof structures for the housing of elevators, stairways, tanks, ventilating fans or similar equipment required to operate and maintain the building, and fire or parapet walls, skylights, towers, steeples, flagpoles, chimneys, smokestacks, wireless masts, water tanks, silos of similar structures may be erected above the height limits herein described, but no penthouse or roof structure, or any space above the height limit shall be allowed for the purpose of providing additional floor space.

Sec. 12-13.23. AREA.

Sec. 12-13.231. Where the yard regulations cannot reasonably be complied with or where the application of such regulations cannot be determined on lots of peculiar shape, location or terrain the application of such regulation may be determined by the Board of Zoning Appeals as provided for in Section 12-19.0.

Sec. 12-13.232. In any Residence Zone any lot lying between two (2) lots immediately adjacent thereto and having dwellings erected upon them at the time of enactment of this ordinance, shall have a front yard equal in depth at least to the average depth of front yards of the lot immediately adjacent thereto, provided no front yard shall be less than fifteen (15) feet in depth and no front yard shall be required to be greater than forty (40) feet in depth.

Sec. 12-13.233. The front and side yards shall be waived for dwellings, boarding or rooming houses, erected above the ground floor of a building when said ground floor is designed exclusively for commercial or industrial purposes; except as provided in Section 12-13.136.

Sec. 12-13.234. In computing the depth of a rear yard where such yard opens onto an alley, one-half ($\frac{1}{2}$) the width of such alley may be assumed to be a portion of the required rear yard.

Sec. 12-13.235. A required loading space may occupy a required rear yard or any part thereof.

Sec. 12-13.236. In computing the lot area of a lot the rear of which abutts an alley, one-half ($\frac{1}{2}$) the width of such alley may be assumed to be a portion of the lot.

Sec. 12-13.237. A paved terrace, car port or a porte cochere may project into a required distance not to exceed five (5) feet, provided that the remaining side front, side or rear yard setback a yard of a corner lot on the street side shall not be reduced to less than ten (10) feet in width.

Sec. 12-13.238. Any one-story or two-story enclosed or unenclosed porch shall be considered a part of the building in the determination of the size of any yard and shall not project into any required front, side or rear yard.

Sec. 12-13.239. The space in any required yard shall be open and unobstructed except for the ordinary projections of window sills, belt courses, cornices, eaves, bay windows and other architectural features, provided such features shall not project more than four (4) feet into any required yard.

Sec. 12-13.240. Open fire escapes may extend into any required yard not more than four (4) feet.

Sec. 12-13.241. The setback and yard requirements of this ordinance shall not apply to any retaining wall which is less than five (5) feet high, nor to any solid masonry wall which is less than three (3) feet high; provided nothing herein shall prevent the construction of a solid rear fence or wall to a height not exceeding six (6) feet.

SECTION 12-14.0. NAME PLATES AND SIGNS

Sec. 12-14.1. RESIDENTIAL ZONES.

Sec. 12-14.11. One (1) name plate for each dwelling unit shall be permitted not exceeding one and one-half ($1\frac{1}{2}$) square feet in area. Such sign may be at but not project over any street line.

Sec. 12-14.12. One (1) identification sign not exceeding twelve (12) square feet in area for buildings other than dwellings, is permitted provided that a name plate or identification sign shall be attached to and parallel with the front wall of the building.

Sec. 12-14.13. One (1) white lighted church bulletin board is permitted, not exceeding eighteen (18) square feet in area.

Sec. 12-14.14. An unlighted sign or signs will be permitted to advertise property for sale or for rent provided such sign or signs are located on the property to which they pertain and provided the total area of such sign or signs does not exceed twelve (12) feet.

Sec. 12-14.15. The following signs are also permitted in the RM-2 Zone.

Sec. 12-14.151. One (1) identification sign not to exceed three (3) square feet for Boarding and Rooming Houses.

Sec. 12-14.152. One (1) white lighted identification sign (excluding illuminated signs of the flashing or animated types) not to exceed twelve (12) square feet for multiple dwellings and principal offices of professions,

CORRECTION No. 3

AMENDMENTS TO THE TOWN OF VIENNA

ZONING ORDINANCE

November 5, 1956

Section 12-14.17. A temporary real estate sign and signs of a public and semipublic nature not exceeding fifty (50) square feet in area may be erected upon issuance of a temporary six (6) months renewable permit. Such sign shall not be illuminated, nor shall it be less than two hundred (200) feet from any dwelling. No such temporary permit shall be granted unless a twenty-five (25) dollar bond has been posted. All temporary real estate signs and public and semipublic signs shall be dismantled within (5) days after expiration date of its temporary permit.

Section 12-14.232. An exterior identification sign not to exceed twelve (12) square feet or four (4) feet in length may be attached to the rear wall of a building provided that such sign is flat against the building and parallel with its horizontal dimension, that it is not lighted, and that the building has a rear entrance for its customers.

Section 12-14.313. The area of signs shall include the entire face of the sign and any wall-work incidental to its decoration and, in the case of an open sign made up of individual letters, figures or designs, the space between and around such letters, figures and designs.

CORRECTION No. 4

AMENDMENTS TO THE TOWN OF VIENNA ZONING
ORDINANCE

December 10, 1956

Strike Section 12-14.23, and insert in place thereof:

Any exterior sign shall pertain only to a use conducted within the building and shall front the principal street, a parking area on the rear portion of the lot, or in the case of a corner building, on that portion of the side street wall within fifty (50) feet of the principal street. In no case shall a sign project above the roof line or be displayed on a rear wall of a building so that it is visible in a residential zone except as permitted in Section 12-14.232 and 12-14.233.

Section 12-14.233. All exterior signs attached to canopies which are structurally a part of the building and all exterior signs attached flat against a building with less than eighteen (18) inches distance between the top of the display window and the above roof line may project three (3) feet above the roof line but not exceed four and one-half (4½) feet in total height provided such signs shall be of open wire mesh or open letter construction and provided further that the rear of such signs shall be opaquely shielded and hooded from any immediately adjoining residential zones. The back of signs attached to a canopy shall not extend behind a line eighteen (18) inches back from and parallel with the outermost edge of the top of the canopy.

CORRECTION No. 4

AMENDMENTS TO THE TOWN OF VIENNA ZONING
ORDINANCE

December 10, 1956

Strike Section 12-14.23, and insert in place thereof:

Any exterior sign shall pertain only to a use conducted within the building and shall front the principal street, a parking area on the rear portion of the lot, or in the case of a corner building, on that portion of the side street wall within fifty (50) feet of the principal street. In no case shall a sign project above the roof line or be displayed on a rear wall of a building so that it is visible in a residential zone except as permitted in Section 12-14.232 and 12-14.233.

Section 12-14.233. All exterior signs attached to canopies which are structurally a part of the building and all exterior signs attached flat against a building with less than eighteen (18) inches distance between the top of the display window and the above roof line may project three (3) feet above the roof line but not exceed four and one-half (4½) feet in total height provided such signs shall be of open wire mesh or open letter construction and provided further that the rear of such signs shall be opaquely shielded and hooded from any immediately adjoining residential zones. The back of signs attached to a canopy shall not extend behind a line eighteen (18) inches back from and parallel with the outermost edge of the top of the canopy.

real estate offices and tourist homes.

Sec. 12-14.16. All signs, except otherwise provided herein under Section 12-14.1 that are not attached to the wall of a building shall be set back fifteen (15) feet from the street line.

Sec. 12-14.2 COMMERCIAL AND INDUSTRIAL ZONES.

Sec. 12-14.21. All name plates and signs permitted in Section 12-14.1 are permitted in commercial and industrial zones.

Sec. 12-14.22. A total limit of two (2) square feet of sign area is permitted for each lineal foot of commercial or industrial building frontage.

Sec. 12-14.23. Any interior sign shall pertain only to a use conducted within the building and shall front the principal street, a parking area on the rear portion of lot, or in the case of a corner building on that portion of the side street wall within fifty (50) feet of the principal street. In no case shall a sign project above the roof line or be displayed on a rear wall of a building so that it is visible from any place in a residential zone.

Sec. 12-14.231. All exterior signs attached to a building shall be flat against the building and parallel with its horizontal dimension.

Sec. 12-14.24. Signs not attached to any building shall not project over the building line and the bottom of such sign shall be not less than nine (9) feet above the finished grade at its base. Such sign shall not be more than thirty-five (35) square feet in area. One (1) such free standing suspended sign shall be permitted per building or building unit.

Sec. 12-14.3. GENERAL PROVISIONS.

Sec. 12-14.31. A permit is required to erect, repair, repaper, repaint, alter in any major respect, or move any sign over one and one-half (1½) square feet in area, except signs advertising real estate for sale or for rent.

Sec. 12-14.311. Sign permits shall be issued by the Zoning Administrator upon approval of the Zoning and Planning Commission.

Sec. 12-14.312. A fee of one (1) dollar shall be charged for the processing of each sign permit.

Sec. 12-14.32. Each application shall be accompanied by plans showing the area of the sign; the size, character, and color of letters, and design proposed; the method of illumination, if any; the exact location proposed for such sign, and in the case of suspended or projecting signs, the method of fastening such sign to its supporting structure.

Sec. 12-14.33. Signs of any type shall not be erected upon the roof of any building.

Sec. 12-14.34. Billboards are hereby prohibited in the Town of Vienna.

Sec. 12-14.35. Signs which involve motion or rotation of any part or display flashing or intermittent lights, are prohibited.

Sec. 12-14.36. No part of any awning shall be less than seven (7) feet above the sidewalk level nor be nearer than one (1) foot to the curb line. Architectural canopies may project forty-two (42) inches from any building.

Sec. 12-14.37. Signs for non-conforming buildings shall not exceed forty (40) square feet in area, nor be illuminated in any way. Such a sign shall be attached flat against a wall of the building and parallel with its horizontal dimensions.

Sec. 12-14.38. No name plate or sign shall be permitted in any Residential, Commercial or Industrial Zone, of any character other than as specified in this Ordinance.

Sec. 12-14.39. No sign erected before the adoption of this ordinance shall be repaired, repapered, repainted, altered in any major respect, or moved unless it be brought under compliance with the provisions of this ordinance.

SECTION 12-15.0. NON-CONFORMING BUILDINGS AND USES.

Sec. 12-15.1. NON-CONFORMING BUILDINGS.

Sec. 12-15-11. Any non-conforming building or structure may be maintained, except as otherwise provided in this section.

Sec. 12-15-12. Repairs and alterations may be made to a non-conforming building or structure, provided that no structural alteration shall be made except as may be required by law or ordinance.

Sec. 12-15.13. A non-conforming building or structure shall not be added to or enlarged in any manner unless such building or structure, including such additions and enlargements, is made to conform to all the regulations of the zone in which located.

Sec. 12-15.14. A building or structure which does not comply with the height or area regulations shall not be added to or enlarged in any manner unless such addition or enlargement conforms to all the regulations of the zone in which it is located.

Sec. 12-15.15. No non-conforming building or structure shall be moved in whole or in part to any other location on the lot unless every portion of such building or structure is made to conform to all the regulations of the Zone in which it is located.

Sec. 12-15.16. Any non-conforming building or structure which is damaged or partially destroyed by fire, flood, wind, earthquake, or other calamity or Act of God or the public enemy, to the extent of not more than fifty (50) per cent of its value exclusive of foundations at that time, may be restored and the occupancy occupancy or use of such building, structure or part thereof, which existed at the time of such partial destruction, may be continued or resumed, provided that such restoration is started within a period of one (1) year and is diligently prosecuted to completion.

Sec. 12-15.161. In the event such damage or destruction exceeds fifty (50) per cent of the value exclusive of foundations of such non-conforming building or structure, no repairs or reconstruction shall be made unless every portion of such building or structure is made to conform to all regulations for new buildings in the zone in which it is located.

Sec. 12-15.17. A non-conforming building or structure or portion thereof, which is or hereafter becomes vacant and remains unoccupied for a continuous period of one (1) year shall not thereafter be occupied except by a use which conforms to the use regulations of the Zone in which it is located.

Sec. 12-15.18. In all Residential Zones, every non-conforming building or structure which was designed, arranged, or intended for a use permitted only in the Commercial and Industrial Zone, shall be completely removed, altered and converted to a conforming building, structure and use when such buildings or structures have reached, or may hereafter reach the ages hereinafter specified, computed from the date the building permit therefor was issued; in the case of masonry constructed buildings or structures twelve (12) years, in the case of frame or wood constructed buildings or structures ten (10) years. Provided, however, that this regulation (12-15.18) shall not become operative until five (5) years from the effective date of this ordinance provided, further, this section shall not operate to invalidate any portion of Section 12-15.42.

Sec. 12-15.2. NON-CONFORMING USE OF BUILDINGS.

Sec. 12-15.21. Continuation and Change of Use:

Sec. 12-15.211. The non-conforming use of a building or structure existing at the time this ordinance became effective, may be continued, except as otherwise provided in this Ordinance.

Sec. 12-15.212. The use of a non-conforming building or structure may be changed to a use of the same or more restricted classification, but where the use is hereafter changed to a use of a more restricted classification it shall not thereafter be changed to a use of a less restricted classification.

Sec. 12-15.22. EXPANSION PROHIBITED--DISCONTINUANCE.

Sec. 12-15.221. A non-conforming use of a conforming building or structure (i.e., commercial use in a dwelling, etc.) shall not be expanded or extended into any other portion of such conforming building or structure nor changed except to a conforming use. If such a non-conforming use of portion thereof is discontinued or changed to a conforming use, any future use of such building, structure or portion thereof, shall be in conformity with the regulations of the zone in which such building or structure is located.

Sec. 12-15.222. All non-conforming uses of conforming buildings or structures shall be discontinued not later than three (3) years from the effective date of this ordinance, provided, however, that this action shall not operate to invalidate any portion of Section 12-15.42.

Sec. 12-15.3. NON-CONFORMING USE OF LAND.

Sec. 12-15.31. Continuation of Use.

Sec. 12-15.311. The non-conforming use of land (existing at the time this ordinance became effective, may be continued for a period of not more than three (3) years therefrom provided (a) that no such non-conforming use of land shall in any way be expanded or extended either on the same or adjoining property and (b) that if such non-conforming use of land or any portion thereof is discontinued or changed, any future use of such land shall be in conformity with the provisions of this ordinance.

Sec. 12-15.4. NON-CONFORMING DUE TO RECLASSIFICATION.

Sec. 12-15.41. The foregoing provisions of this Section (12-15.0) shall also apply to buildings, structures, land or uses which hereafter become non-conforming due to any reclassification of zones under this ordinance or any subsequent change in the regulations of this ordinance; provided, however, that where a period of years is specified in this section (12-15.0) for the removal of non-conforming buildings, structures, or uses, said period shall be computed from the date of such reclassification or change.

Sec. 12-15.42. Any non-conforming commercial use in a zone heretofore classified or designated by an officially adopted Zoning Ordinance of the Town of Vienna, as part of a commercial zone and which use is in operation as of the date this ordinance takes effect may continue in operation on its present location even though such location is reclassified to become part of a residential zone as a result of the adoption of this ordinance and such use may continue in such location as long as, but not longer than, the then operators continue the existing use as of the date this ordinance is adopted and the buildings and structures existing as of the date this ordinance is adopted remain without significant enlargement or alteration.

SECTION 12-16.0. USE PERMITS

Sec. 12-16.1. A properly approved and issued use permit is required by this ordinance for any of the following uses:

- (a) Air ports, airparks, and airfields (private).
- (b) Amusement enterprises in C-2 Zone.
- (c) Auditorium in C-2 Zone.
- (d) Auto sales new and second hand in C-2 Zone.
- (e) Automobile parking lot (public) in C-1 Zone.
- (f) Automobile service station in C-1 Zone.
- (g) Cemeteries.
- (h) Colleges and Schools (Private, Elementary and High) of a non-commercial nature.
- (i) Farm or garden implements sales and service in C-2 Zone.
- (j) Feed and Grain sales and storage in C-2 Zone.
- (k) Golf courses, country clubs, private clubs, including community buildings and similar recreational uses not owned and/or operated by a public agency (does not include golf driving range).
- (l) Hospitals or sanitariums, except animal hospitals, clinics and hospitals or sanitariums for contagious, mental or drug or liquor-addict cases.
- (m) Institutional homes and institutions of an educational or philanthropic nature, except those of a correctional nature or for mental cases.
- (n) Nursery and Kindergarten Schools (private).
- (o) Principal office of a physician, professional, real estate in a RM-2 Zone.

CORRECTION No. 5

AMENDMENTS TO THE TOWN OF VIENNA ZONING
ORDINANCE

December 17, 1956

Strike Section 12-17.11, and insert in place thereof:

The Vienna Town Council may, from time to time, on its own motion or on petition of the owners of property proposed for a change of zoning, after public notice and hearing, amend, supplement or change the requirements and zones herein established. Every application by a property owner for such amendment, supplement or change shall be filed in writing thirty (30) days before any action shall be taken by Council, and said application shall be accompanied by a check or cash payment of twenty-five (\$25) dollars, which shall be applied to the cost of advertising and expense incidental to reviewing, publishing and reporting the facts. The Town Clerk shall cause the notice of such amendment, supplement or change to be advertised as required by law.

An emergency existing, this amendment is effective immediately.

- (p) Public buildings and uses.
- (q) Public parks, playgrounds, and other recreational uses.
- (r) Public parking area in transitional use.
- (s) Public utilities and services.

Sec. 12-16.2. Written application for a Use Permit shall accompany an application for a building permit, whenever the proposed building or structure will be or may be used for a purpose for which a Use Permit is required by this ordinance. The application shall be transmitted forthwith upon submission to the Zoning and Planning Commission which shall forward such application with recommendations to the Town Council.

Sec. 12-16.21. Every application for a Use Permit shall be accompanied by a check or cash payment to the Town of Vienna of Ten (\$10.00) Dollars which shall be applied to the cost of advertising and other expenses incidental to reviewing, publishing and reporting the fact.

Sec. 12-16.22. Each application for a Use Permit shall be advertised for two (2) consecutive weeks in a newspaper of general circulation, mailed in the vicinity of the Town of Vienna, and notice of such application shall be posted on a placard for two (2) consecutive weeks on the property to which it pertains. This period of two (2) weeks for advertising and posting shall begin after submission of an application and end prior to any public hearing thereon.

Sec. 12-16.23. The Town Council shall hold a duly advertised public hearing on each application for a Use Permit. This hearing shall be held on the first regular meeting night for the Council in the month in which the hearing is held. This hearing shall be held within two (2) months after the date on which the application was submitted.

Sec. 12-16.24. The Zoning and Planning Commission shall prepare and submit to the Town Council a report, including recommendations of the Commission, on each application for a Use Permit. This report shall be submitted to the Council prior to the public hearing on the application.

Sec. 12-16.25. The Town Council may authorize the issuance of a Use Permit in response to an application therefor; provided, the use for which the permit is sought will not (1) affect adversely the health or safety of persons residing or working in the neighborhood of the proposed use, (2) will not be detrimental to the public welfare or injurious to property or improvements in the neighborhood, and (3) will be in accord with the purposes of the master plans of the Town of Vienna. In granting any use Permit the Town Council shall designate such conditions in connection therewith as will, in its opinion, assure that the use will conform to the foregoing requirements and that it will continue to do so.

Sec. 12-16.3. Any Use Permit shall become void six (6) months after issuance if construction or operation related thereto has not commenced.

SECTION 12-17.0. CHANGES AND AMENDMENTS

Sec. 12-17.1. PROCEDURE.

Sec. 12-17.11. The Vienna Town Council may from time to time on its own motion or on petition of the owner or owners of the property proposed for a change

of zoning, after public notice and hearing, amend, supplement or change the requirements and zones herein established. A public hearing will be held on the first Tuesday in April and October of each year to consider proposed changes in zoning. Every application by a property owner for such amendment, supplement or change shall be filed in writing sixty (60) days before the first Tuesday in the months of April and October with the Town Clerk, and shall be accompanied by a check or cash payment of twenty-five (\$25.00) Dollars, which shall be applied to the cost of advertising and expense incidental to reviewing, publishing and reporting the facts. The Town Clerk shall cause the notice of such amendment, supplement or change to be advertised as required by law.

Sec. 12-17.111. Such application shall likewise be referred to the Zoning and Planning Commission upon receipt by the Town Clerk. The Commission shall furnish the Council its recommendations on the proposed zoning changes before the public hearing.

Sec. 12-17.2. POSTING.

Sec. 12-17.21. In addition to published notice, as required by law, further notice of any proposed change of zoning shall be given by the Zoning Administrator, by posting the property for which a change of zoning has been requested, and also the surrounding area within a five hundred (500) foot radius of said property with not less than eight (8) placards showing the designation of the property to be rezoned, together with the time and place of hearing.

Sec. 12-17.3. REAPPLICATION.

Sec. 17-17.31. No application for any change to the same or a lesser restricted classification of zoning of the same lot, plot, parcel or portion thereof, shall be considered by the Town Council and the Planning Commission within twelve (12) months of the final action of the Town Council upon the prior application. This provision, however, shall not impair the right of the Town Council to propose a change of zoning on its own motion.

Sec. 12-17.4. PROTEST AGAINST A PROPOSED AMENDMENT.

Sec. 17-17.41. In case of a protest against any such proposed change signed by the owners of Twenty (20) per centum or more either of the area of the lots included in such proposed change, or of those adjacent in the rear thereof, or of those directly opposite thereto, such amendment shall not become effective except by the favorable vote of four-fifths (4/5) of all the Town Council.

Sec. 12-17.5. BASES FOR DETERMINATION.

Sec. 12-17.51. In determining what, if any, amendments to this Ordinance, are to be adopted, the Town Council shall give due consideration to the proper relationship to such amendments to the entire Comprehensive Zoning Plans and Ordinance for Vienna, it being the intent to retain the integrity and validity of the zoning zones herein described, and to avoid spot zoning changes in the Zoning Map.

SECTION 12-18.0. ADMINISTRATION AND ENFORCEMENT

Sec. 12-18.1. PERMITS.

Sec. 12-18.11. No excavation shall be commenced, no wall, structure, premises, or land used, building or part thereof shall be built, constructed or altered, nor shall any building be moved, nor shall any sign be erected, repaired or repainted, until application has been made and the proper permit has been obtained from the Zoning Administrator, in accordance with the provisions of this ordinance and said permit has been posted at the building site in plain view from the street. The fee for a Building Permit shall be two (2) Dollars to be paid to the Town of Vienna, Virginia. Except as provided otherwise herein, this ordinance shall be administered by the Zoning Administrator.

Sec. 12-18.12. All applications for building permits shall be accompanied by accurate plot plans in triplicate, showing the following:

- (a) the lot upon which the building is proposed to be erected; lot dimensions, lot and block numbers, and subdivision's name, if any.
- (b) Name and width of abutting street or streets;
- (c) Location, dimensions and use of existing buildings and other structures on the lot or lots;
- (d) Location, dimensions and proposed use of buildings and other structures for which a permit is requested;
- (e) Front, side, and rear yard dimensions;
- (f) North directional arrow;
- (g) Such other information with regard to the lot and neighboring lots as may be necessary to determine and provide for the enforcement of this Ordinance.

Sec. 12-18.121. No permit shall be issued for the erection of any permanent structure intended for residential use, nor shall any structure be erected on land in such proximity and relative elevation to an open stream or drainage channel where such land is subject to periodic or recurring flooding from storm water, or subject to the danger of erosion.

Sec. 12-18.13. Certificate of Occupancy shall be required for any of the following except that no Certificate of Occupancy shall be required for a one-family detached dwelling:

- (a) Occupancy and use of a building hereafter erected or structurally altered;
- (b) Change in use of an existing building to a use of a different zone classification;
- (c) Any change in ownership of a commercial or industrial use;
- (d) Change of occupancy and use of land to a use of a different classification;
- (e) Any change in the use of a non-conforming use.

Sec. 12-18.131. No occupancy, use or change of use shall take place until a certificate of occupancy shall have been issued by the Zoning Administrator in accordance with the provisions set forth in this Ordinance.

Sec. 12-18.132. Written application for a certificate of occupancy for a new building or for an existing building or for an existing building which has been altered shall be made at the same time as the application for the building permit for such building. Each application for a Certificate of Occupancy shall be filed with the Zoning Administrator. Upon completion of the erection or alteration of a building or part thereof in conformity with the provisions of this ordinance and in accordance with the pertinent building permit and application for Certificate of Occupancy, the applicant for such certificate may request

of the Zoning Administrator that the Certificate be issued. The zoning Administrator shall issue the Certificate of Occupancy within ten (10) days of the receipt of the written request for issuance thereof providing there has been full compliance with the provisions of this ordinance in the erection or alteration of the pertinent building or structure or part thereof.

Sec. 12-18.133. The fee for a Certificate of Occupancy shall be one (1) dollar to be paid to the Town of Vienna, Virginia.

Sec. 12-18.134. Written application for a certificate of occupancy for a change in the use of land, or of a building, for a change in a non-conforming use, as herein provided, shall be made to the Zoning Administrator. The same procedure is required as specified in Sections 12-18.131, 12-18.132, and 12-18.133, except no building permit is involved.

Sec. 12-18.135. Every certificate of occupancy shall state that the building or the proposed use of a building or land complies with all the provisions of law and of all Town Ordinances and regulations. A record of all certificates of occupancy shall be kept on file in the Town Hall and copies shall be furnished, on request, to any person having proprietary or tenancy interest in the building or land affected.

Sec. 12-18.14. No Building Permit or Certificate of Occupancy shall be issued by the Zoning Administrator until the application therefor has been submitted to the Zoning and Planning Commission for recommendation.

Sec. 12-18.15. No application for a Building Permit or Certificate of Occupancy shall be accepted by the Zoning Administrator unless all of the information required has been furnished by the applicant.

Sec. 12-18.16. Construction or operation shall be commenced within six (6) months of date of issuance or said building permit or certificate of occupancy becomes void.

Sec. 12-18.2. ENFORCEMENT AND PENALTIES.

Sec. 12-18.21. Enforcement.

Sec. 12-18.211. This Ordinance shall be enforced by the Zoning Administrator, who shall in no case grant any permit for the construction or alteration of any building if the building, as proposed to be constructed or altered, would be in violation of any of the provisions of this Ordinance.

Sec. 12-18.212. It shall constitute a violation of this Ordinance for any person, firm or corporation, whether owner, agent or occupant, to do any of the things for which a permit is required by this Ordinance without first having obtained the said permit; and any permit issued upon a false statement of any fact which is material to the issuance thereof, shall be void. Whenever the fact of such false statement shall be established to the satisfaction of the Zoning Administrator, he shall forthwith revoke the same upon concurring approval of the Zoning and Planning Commission by notice in writing to be delivered to the holder of the void permit upon the premises where the violation has occurred, or if such holder be not found there, by posting the said notice of revocation in some conspicuous place upon the said premises.

Any such person, firm or corporation who shall proceed thereafter with such work or use without having obtained a new permit in accordance with this Ordinance, shall be deemed guilty of violation thereof.

Sec. 12-18.213. It shall constitute a violation of this ordinance for any person, firm or corporation, either owner, agent or occupant, to disobey, neglect or refuse to comply with or resist the enforcement of any of the provisions of this Ordinance. Each day upon which the said violation shall continue shall constitute a separate violation.

Sec. 12-18.22. Penalties.

Sec. 12-18.221. Any person, firm or corporation who violates any of the provisions of this Ordinance shall be deemed guilty of a misdemeanor, and upon conviction shall be fined not less than ten (\$10) dollars, and not more than one hundred (\$100) dollars, if the offense be not wilful, or not more than two hundred and fifty (\$250) dollars if the offense be wilful; nor more than thirty (30) days in the County Jail, if the offense be wilful.

SECTION 12-19.0. BOARD OF ZONING APPEALS

Sec. 12-19.1. ORGANIZATION.

Sec. 12-19.11. There shall be an Appeal Board consisting of five members appointed by the Circuit Court upon recommendation of the Town Council for a term of three (3) years and removable for cause by the appointing authority.

Sec. 12-19.2. POWERS.

Sec. 12-19.21. The Appeals Board is authorized to grant variances from the strict application of these regulations when by reason of exceptional narrowness, shallowness or shape of specific parcels of property at the time of the original enactment of this Ordinance or amendments thereto or by reason of exceptional topographical conditions or other extraordinary situations or conditions of specific parcels of property where the strict application of these regulations or amendments thereto would result in peculiar and unusual practical difficulties to, or exceptional undue hardship upon, the owner of said property; provided that such relief or variances can be granted without substantial impairment of the intent, purpose and integrity of the Comprehensive Plan, as embodied in this Ordinance.

Sec. 12-19.22. The Appeal Board is authorized to hear and decide upon appeals where it is alleged by appellants that there is error in any refusal of building, use or occupancy permit or in any other order, requirement, decision or determination made by the Zoning Administrator or the Zoning and Planning Commission, when passing upon an application for a building or other permit, or by any other officer or body in the administration of the Ordinance.

Sec. 12-19.23. The Appeal Board may, in conformity with this Ordinance, reverse, affirm or modify, wholly or in part, any decision upon which an appeal is made.

Sec. 12-19.24. Upon appeal from a decision of the Zoning Administrator,

or upon request of any official body, the Appeal Board shall have power to decide any questions involving the interpretation of any provisions of this Ordinance.

Sec. 12-19.25. The Board of Appeals is hereby empowered to adopt, and from time to time, amend or supplement rules of procedure not inconsistent with the provisions of this Ordinance.

Sec. 12-19.31. Appeals to the Appeal Board may be taken by any person aggrieved or by any officer, or department, of the Town affected by any decision of the Zoning Administrator.

Sec. 12-19.32. Each application for a variance from this ordinance shall be in writing and shall be accompanied by appropriate documentation. Said application shall be submitted to the Appeals Board, who shall cause a public hearing to be held and the property in question to be posted with a placard stating the date of hearing and the nature of the variance requested.

Sec. 12-19.33. Every application for an appeal shall be accompanied by a check or cash payment of ten (\$10) dollars, which shall be applied to the cost of advertising and expense incidental to reviewing and publishing the facts. In addition the Board of Appeals may require the applicant to pay for the recording of the proceedings. An application for a variance shall be advertised for two weeks in a newspaper of general circulation.

Sec. 12-19.34. At the public hearings specified in Section 12-19.32 the applicant shall present a statement and adequate evidence, in such form as the Appeal Board may require. For assistance in reaching decisions, relative to any appeal or other matter under consideration, the Zoning and Planning Commission shall furnish technical service, advice, data or factual evidence requested by the Appeals Board.

Sec. 12-19.35. The concurring vote of three (3) members of the Appeals Board shall be necessary to reverse any order, requirement, decision or determination of the Zoning Administrator, or to decide in favor of the applicant upon any matter upon which it is required to pass under this Ordinance or to effect any variation in this Ordinance.

Sec. 12-19.36. Every variation made by the Appeals Board after a duly advertised hearing shall be accompanied by a finding of fact specifying the reasons for making such variation. All decisions shall be a matter of public record.

Sec. 12-19.4. LIMITATION OF AUTHORITY.

Sec. 12-19.41. Nothing contained in these regulations shall be deemed to authorize the Appeals Board to reverse or modify any refusal of a permit or any other order, requirement, decision, or determination which conforms to the provisions of this Ordinance and which, therefore, is not erroneous, nor to authorize the Appeals Board to validate or ratify or legalize any violation of law or any of the regulations of this Ordinance.

Sec. 12-19.42. The Board shall not amend any of these regulations or the Zoning Map, as provided for in Section 12-17.0, directly or by variance as

to permitted uses, nor shall such power or authority be vested in the Appeals Board.

Sec. 12-19.43. Any variance granted by the Appeals Board to permit the erection or alteration of a building or structure shall be valid only six (6) months, unless a building permit for such erection or alteration is obtained within this period and the erection or alteration is started and proceeds to completion in accordance with the terms of the decision.

SECTION 12-20.0. INTERPRETATION.

Sec. 12-20.1. Where this Ordinance imposes a greater restriction upon the use of the buildings or premises, or upon the height of the buildings, or requires larger yards, courts or other open spaces than are required by other existing provisions of law or ordinance, the provisions of this Ordinance shall control.

Sec. 12-20-2. Where private building restrictions in recorded deeds are greater than those required by this Ordinance, they are not superceded by the provisions of this Ordinance.

Sec. 12-20-3. Any permit approved prior to the official adoption of this Ordinance and Official Zoning Map shall adhere to the regulations of the Zoning Ordinance adopted December 5, 1949, provided that after six (6) months from the issuance of any such permit, it shall be void.

Sec. 12-21.0. VALIDITY.

Sec. 12-21.1. Should any section or provision of this Ordinance be decided by the Courts to be unconstitutional or invalid, such decision shall not affect the validity of the Ordinance as a whole, or any part thereof other than the part so held to be unconstitutional or invalid.