

## Subdivisions

### CHAPTER 17.

#### SUBDIVISIONS.<sup>1</sup>

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1. For state law as to land subdivision and development, see Code of Va., §§ 15.1-465 to 15.1-485. As to local planning commissions, see Code of Va., §§ 15.1-437 to 15.1-445.

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Article I. In General.Sec. 17-1. Definitions.

For the purposes of this chapter, the following words and phrases shall have the meanings respectively ascribed to them by this section:

Alley. A minor public street which is used primarily for vehicular service access to the back or the side of properties having principal frontage on another street.

Approve. Includes "or disapprove."

Comprehensive plan. The plan as defined and provided for in section 15.1-446 and section 15.1-447(2) of the Code of Virginia, prepared by the planning commission and approved by the town council for the general physical development of the town, including any unit or part thereof and any amendment to such plan or part thereof.

Cul-de-sac. A minor street with only one outlet and culminated by a turnabout.

Distances and areas. Measurements in a horizontal plane.

Final plat. The final map, drawing or chart on which the subdivider's plan of subdivision is presented to the town council for approval, and which, if approved, will be submitted for recording.

Local street. A public street primarily designed to serve as access to abutting property and not intended to provide for through traffic movement.

than two acres, each for the purpose, whether immediate or future, of transfer of ownership or building development.

(b) Where a new street is involved, any division of a parcel of land, regardless of the size of the parcels.

(c) The improvement of one or more parcels of land for residential, commercial or industrial structures or groups of structures involving the division or allocation of land for the opening, widening or extension of any street, except private streets serving industrial structures.

(d) The division or allocation of land as open spaces for common use by owners, occupants or leaseholders.

(e) The division or allocation of land as easements for the extension and maintenance of public sewer, water, storm drainage or other public facilities.

(f) The term includes resubdivision and, when appropriate to the context, shall relate to the process of subdividing or to the land subdivided. (Code 1962, § 13-4; 2- -66.)

Sec. 17-2. Interpretation and purpose of chapter.

In their interpretation and application, the provisions of this chapter shall be held to be the minimum requirements adopted for the protection of the public health, safety and welfare. To protect the public, among other purposes, such provisions are intended to provide for permanently wholesome community environment, adequate town services and safe streets. (Code 1962, § 13-2; 2- -66.)

Sec. 17-3: Planning commission to administer chapter; authority of planning commission generally.

The planning commission is hereby delegated general authority to administer this chapter. The commission is charged with the responsibility of approving preliminary plats in accordance with the regulations contained in this chapter. The commission shall likewise consider final plats and make recommendations for approval or disapproval to the council, which retains unto itself the authority for final approval of final plats. No agent of the town shall have authority to waive or authorize any departure or waiver from the application of this chapter. (Code 1962, § 13-3; 2- -66.)

Sec. 17-4. Compliance with chapter required; conference between subdivider and town manager, etc., prior to preparation of plat.

No person shall subdivide any tract of land situated within the town except in conformity with the provisions of this chapter and the provisions of state law relating to land subdivision and development. Each subdivider shall confer with the

Sec. 17-10. Issuance of building or repair permits.

No building or repair permits shall be issued for any structure on a lot in a subdivision for which a plat has not been approved and recorded in the manner prescribed in this chapter. (Code 1962, § 13-30; 2- -66.)

Sec. 17-11. Furnishing of municipal services.

No municipal services whatsoever will be provided by the town in any subdivision which has not been approved as provided for in this chapter, or in which the necessary water and sewage facilities have not been dedicated to and accepted by the town. (Code 1962, § 13-31; 2- -66.)

Sec. 17-12. Variances.

Where in the case of a particular proposed subdivision, it can be shown that strict compliance with the requirements of this chapter would result in extraordinary hardship to the subdivider because of unusual topography; or where conditions peculiar to the site would result in inhibiting the achievement of the objectives of these regulations, the town council may vary, modify or waive the requirements so that substantial justice may be done and the public interest secured; provided, that such variance, modification or waiver will not have the effect of nullifying the intent and purpose of these regulations or interfering with carrying out the comprehensive plan of the town. Any variance, modification or waiver thus authorized shall be entered in the minutes of the council with a statement of the reason on which the variance was justified and shall be noted on the final plat. (Code 1962, § 13-44; 2- -66.)

Sec. 17-13. Vacation of plats.

Vacation of recorded plats or portions of recorded plats may be accomplished with approval of the town council, in accordance with the applicable provisions of state law relative to land subdivision and development. (Code 1962, § 13-45; 2- -66.)

Article II. Preliminary Plat.Sec. 17-14. Preparation; scale.

The preliminary plat shall be clearly and legibly drawn to a scale of not more than one inch equals one hundred feet and shall be plainly marked "Preliminary Plat." The preliminary plat shall be prepared by a surveyor or certified professional engineer duly licensed by the state. (Code 1962, § 13-23; 2- -66.)

Sec. 17-15. Contents.

The preliminary plat shall show, on a map, all the facts needed to enable the

Sec. 17-16. Reservation of land for public purposes.

The town council may require subdividers of subdivisions to dedicate land for streets, parks, playgrounds, libraries, municipal buildings and similar public uses, subject to the following regulations:

(a) Subdividers shall not be required to dedicate land for parks or playgrounds exceeding five per cent of the area of the subdivision, exclusive of street and drainage reservation, without reimbursement by the town. Where land is required in excess of this amount, the reimbursement by the town shall be based on a proportionate share of (1) cost of raw land, (2) cost of improvements, including interest on investment, (3) development costs, (4) plus not more than ten per cent profit on the total of such costs.

(b) Subdividers shall not be required to reserve land for public purposes other than streets, drainage, parks and playgrounds, except on a reimbursement basis. They shall not be required to hold such land proposed for purchase by the town longer than twelve months following the recording of the plat for such purchase. If such land is not purchased by the town within the twelve months, it may be sold as lots for the same purposes for which the subdivision was platted. To facilitate such possible eventual sale of reserved land as separate lots, the subdivider shall show on his final plat, by dotted lines and dotted numbers, the sizes and dimensions of lots to be created within the boundaries of any such reserved land, and may sell such lots, after the expiration date of the reservations, by lot number, without filing an amended plat. The council shall make certain that any such reserved land is divisible into lots and streets in a manner compatible with the remainder of the subdivision, so that the subdivider will not be required to reserve an unusable portion of his subdivision.

(c) The requiring of the dedication of public spaces as provided in subsection (a) of this section shall not constitute an acceptance of the dedication by the town. (Code 1962, § 13-24; 2- -66; 12- -67.)

Sec. 17-17. Application for approval.

Whenever any subdivision of land is proposed, and before any permit for the erection of a structure shall be granted, the subdivider shall apply in writing to the planning commission for approval of his subdivision and submit to the commission ten copies of a preliminary plat complying with the requirements of this chapter. Such plans shall be accompanied by a fee for the examination or approval of plats as set forth in the schedule of fees adopted by the town council and shall be collected by the director of finance of the town for deposit to the credit of the general fund. (Code 1962, § 13-8; 2- -66.)

Sec. 17-18. Discussions about plat with planning commission, etc.; recommended changes.

The subdivider shall discuss the preliminary plat with the planning commission

shall furnish all plans and information as listed in sections 17-24 to 17-26 and as necessary for the detailed engineering consideration of the improvements required, and obtain the approval of the director of public works, which shall be endorsed thereon. (Code 1962, § 13-14; 2- -66.)

Sec. 17-24. Engineer or surveyor to prepare plat.

Every final plat shall be prepared by a surveyor or certified professional engineer duly licensed by the state. (Code 1962, § 13-25; 2- -66.)

Sec. 17-25. Owner's statement.

Every final plat, or the deed of dedication to which such plat is attached, shall contain in addition to the engineer's or surveyor's certificate a statement as follows: "The platting or dedication of the following described land (here insert correct description of the land subdivided) is with the free consent and in accordance with the desire of the undersigned owners, proprietors and trustees (if any)." The statement shall be signed by such persons and duly acknowledged before some officer authorized to take acknowledgments of deeds. When thus executed and acknowledged, the plat, upon approval as specified in this article, shall be filed and recorded in the office of the clerk of the circuit court of the county, and indexed under the names of the owners of the land signing such statement and under the name of the subdivision. (Code 1962, § 13-26; 2- -66.)

Sec. 17-26. Contents.

The subdivision plat submitted to the town council for final approval and subsequent recording shall be clearly and legibly drawn in ink upon tracing cloth, or other approved media, at a scale of not more than one hundred feet to the inch. In addition to the requirements of section 13-26, the following shall be shown on the final plat:

(a) Name of subdivision, town, county, state, owner and subdivider; north point; the scale and date of drawing; number of sheets; and the name of the licensed professional surveyor or engineer.

(b) Location of proposed subdivision by an insert map at a scale of not less than six inches equal one mile indicating thereon adjoining roads and their names and numbers, town, subdivision and other landmarks.

(c) Boundary survey, with an error of closure within the limit of one in ten thousand, related to the true meridian. The survey may be related to the U. S. C. and G. S. state grid north if the coordinates of two adjacent corners of the subdivision are shown.

(d) Certificate signed by the survey or setting forth the source of title of the owner of the land subdivided, and the place of record of the last instrument in the chain of title.

Sec. 17-28. Notification of subdivider prior to consideration by council.

The town council shall notify the subdivider by mail ten days prior to the date of consideration of the final plat. (Code 1962, § 13-17; 2- -66.)

Sec. 17-29. Actions of council.

(a) The town council shall, within sixty days from the date of submission of the final plat, approve, modify or disapprove such plat, and failure to act within sixty days shall be deemed approval. The council's approval of the plat shall be certified by the mayor or other agent designated by the council and attested by the clerk, by so indicating on the final plat. If the plat is disapproved, a statement of the reason for such action shall be attached to the plat and returned to the subdivider.

(b) The plat shall not be approved until the subdivider has complied with the general requirements and minimum standards of design in accordance with this chapter. (Code 1962, § 13-18; 2- -66.)

Sec. 17-30. Filing of final plat after approval.

When the final plat has been approved by the town council, one copy shall be delivered to the planning commission, one copy to the director of public works and one to the town clerk for their respective files. The original plat, duly certified, shall be given to the subdivider for recording in the office of the clerk of the court of the county. (Code 1962, § 13-20; 2- -66.)

Sec. 17-31. Recording.

The subdivider shall record the final plat in the office of the clerk of the circuit court of the county within sixty days after the date of approval; otherwise the final plat shall be null and void, and the town council's approval thereof automatically withdrawn. (Code 1962, § 13-21; 2- -66.)

Sec. 17-32. Reapproval by town council upon failure of subdivider to record.

In the event that an approved plat is not recorded within sixty days from the date of its final approval as provided for in section 17-31, such plat may be resubmitted to the town council for reapproval, upon payment of a fee of one hundred fifty dollars. Upon certification to it by the zoning administrator that no change has been made in the resubmitted plat from the one originally approved, the council may approve such resubmitted plat. If, however, any change has been made in this Code or other town ordinances since the original approval of the plat which would affect the subdivision or any portion thereof, as shown on the plat, the provisions of this section for reapproval shall not apply, and the plat shall be treated as a new application, pursuant to the other provisions of this chapter. (Code 1962, § 13-22; 2- -66.)

Sec. 17-39. Dead-end street or cul-de-sac.

Dead-end streets or cul-de-sacs, designed to be so permanently, shall not be longer than eight hundred feet and shall be provided at the closed end with a turn-around having an outside roadway diameter of at least eighty-six feet, and a street property line diameter of at least one hundred feet. If a dead-end street is of a temporary nature, a similar turn-around shall be provided and provision made for future extension of the street into adjoining properties. (Code 1962, § 13-33; 2- -66.)

Sec. 17-40. Service drives.

Service drives shall be required as shown on the master street plan. (Code 1962, § 13-33; 2- -66.)

Sec. 17-41. Widths; dedication of rights of way.

No street of less than full width shall be allowed. Street widths shall not be less than as follows:

<u>Street Type.</u>	<u>Width.</u>
Service drives.	32 feet
Secondary and local streets.	50 feet
Main arterial and inner loop.	60 feet

When a subdivision abuts any dedicated right of way or any street which is included in the state system of secondary highways, the subdivider shall be required to dedicate, for each side of such street to which the subdivision abuts, up to one-half of any right of way necessary to make such street comply with the minimum right of way width fixed for the same. The subdivider shall be responsible for grading and surfacing of and installation of all curb, gutter and sidewalk on all such dedicated area according to specifications established by the town. (Code 1962, § 13-33; 2- -66.)

Sec. 17-42. Intersections.

The intersection of more than two streets at one point shall be avoided except where it is impracticable to secure a proper street system otherwise. Streets shall intersect one another at an angle as near to a right angle as possible, and no intersections of streets at angles less than sixty degrees shall be approved. Street intersections shall be rounded with a curve of a radius acceptable to the planning commission. (Code 1962, § 13-33; 2- -66.)

Sec. 17-43. Deflections.

Where a deflection angle of more than ten degrees in the alignment of a street occurs, a curve of reasonably long radius shall be introduced. On streets fifty



Division 3. Alleys.Sec. 17-51. Residential areas.

Alleys shall not be permitted in residential areas except where, in the opinion of the planning commission, it considers such alleys to be necessary because of unusual circumstances. (Code 1962, § 13-34; 2- -66.)

Sec. 17-52. Commercial and industrial districts.

Alleys shall be provided in commercial and industrial districts; except, that the planning commission may waive this requirement where other definite and assured provision is made for service access, such as off-street loading, unloading and parking, consistent with and adequate for the uses proposed and where such waiver will not limit access to any existing alley. (Code 1962, § 13-34; 2- -66.)

Sec. 17-53. Width.

The right of way width of an alley shall be twenty feet. (Code 1962, § 13-34; 2- -66.)

Sec. 17-54. Dead-end alleys.

Dead-end alleys shall not be permitted. (Code 1962, § 13-34; 2- -66.)

Division 4. Easements.Sec. 17-55. Public utilities and storm drains.

Provision shall be made for easements for public utilities and storm drains as determined by the planning commission. No buildings or structures shall be permitted on easements without approval of the commission. (Code 1962, § 13-35; 2- -66.)

Sec. 17-56. Streams and watercourses.

Wherever any stream, pond or surface watercourse is located in an area that is being subdivided, the subdivider shall, at his own expense, make adequate provisions for the proper drainage of surface water and shall also provide and grant to the town an easement along such streams and watercourses meeting the approval of the planning commission. (Code 1962, § 13-35; 2- -66.)

Sec. 17-57. Lengths.

Block lengths shall not exceed one thousand feet or be less than three hundred feet. (Code 1962, § 13-36; 2- -66.)



Article V. Improvements.Sec. 17-65. Performance bond; cancellation of building permits for failure to start construction.

Before consideration of a final plat of a subdivision by the town council, the subdivider shall guarantee the completion of the improvements required by this article by means of a bond executed by a surety company acceptable to the council based on an estimate certified by the director of public works. The amount of the bond shall be the estimated cost of construction of such improvements plus ten per cent for price escalation resulting from normal cost increases between the time of approval and the initiation of construction on a subdivision. The surety will be subject to the condition that the improvements will be completed within eighteen months after approval of the final plat, unless such period is extended by the council, and, in the event they are not completed, the town may proceed with the work and hold the owner and the bonding company jointly responsible for the costs thereof. As an alternative, the subdivider may deposit a certified check with and payable to the director of finance in place of the surety bond. In the event that construction as indicated on the approved plat is not commenced within six months of approval of the plat by council, any and all building permits issued prior to such date for any such construction shall be null and void, and in such event, the owner shall thereafter and prior to commencing any construction provide council with a certified check in the above mentioned amount, or with a renewed surety bond, which bond shall meet all the requirements hereinabove set forth, and shall be conditioned upon completion of all required improvements within eighteen months after the initiation of such construction, and no building permit shall issue for any such construction indicated on such plat until the certified check or bonding requirement is met by the owner. (Code 1962, § 13-15; 2- -66; 1- -67.)

Sec. 17-66. Maintenance bond.

The subdivider shall, immediately prior to acceptance thereof by the town of any street, water line or sewer line, file a bond in the amount of ten per cent of the original installation costs, to cover maintenance and repair arising from defective workmanship or material for a period of two years. (Code 1962, § 13-15; 2- -66.)

Sec. 17-67. Improvements at subdivider's cost.

The subdivider shall install and construct at his cost all improvements listed below, all of which shall be installed and constructed in accordance with the town specifications and under the supervision of the town council and to its satisfaction.

(a) Monuments. Monuments shall be placed at all block corners, angle points, points of curves in streets and at intermediate points as shall be required by the director of public works. The monuments shall be of such material, size and length as may be approved by the director of public works. All monuments shall be clearly visible for inspection and use.

(b) Alleys. All alleys shall be graded and surfaced.

ORDINANCE NUMBER 16-69

The following ordinance amendment was adopted on June 2, 1969 and became effective on June 14, 1969:

Section 17-67. Improvements at subdivider's cost. Subsection (J) be amended by deleting the following words: ". . .which contains five (5) or more lots, or which includes any new street or streets (including cul-de-sacs), . . .".

ORDINANCE NUMBER 12-69

The following ordinance amendment was adopted on April 28, 1969 and became effective on May 10, 1969:

Section 17-67. Improvements at subdivider's cost. Addition of a new subparagraph (J) to read as follows: "Utilities below ground. All new transmission, distribution and customer service utility facilities, carrying or used in connection with electric power, telephone, telegraph, cable television, petroleum, gas or steam, installed within the boundaries of any subdivision, which contains five (5) or more lots, or which includes any new street or streets (including cul-de-sacs), the final plat of which is approved subsequent to the effective date of this paragraph, shall be placed below the surface of the ground; provided that:

(a) Equipment such as electric distribution transformers, switchgear, meter pedestals, and telephone pedestals, which is normally installed above ground in accordance with accepted utility practices for underground distribution may be so installed;

(b) Meters, service connections, and similar equipment normally attached to the outside wall of the premises it serves may be so installed; and

(c) Temporary Overhead facilities required for construction purposes will be permitted.

All improvements herein required shall be in accordance with accepted standards of utility practice for underground construction."

director of public works to insure conformity with approved plans and specifications. The subdivider shall notify the director of public works prior to beginning and completion of any improvements required under this chapter. Fees for inspection shall be charged in accordance with the schedule of fees established by the town council. The subdivider shall provide adequate supervision on the project during construction of required improvements and shall keep one set of approved plans and profiles available on the project site at all times when work is being performed. (Code 1962, § 13-40; 2- -66.)

Sec. 17-71. Acceptance of improvements generally.

The town council shall not accept any required improvements until the director of public works has certified in writing to the town council that all specifications have been met, and that a set of "as built" drawings has been furnished to the town. Such acceptance shall constitute a release from the performance bond required by section 17-65. (Code 1962, § 13-41; 2- -66.)

Sec. 17-72. Acceptance procedure.

The town council shall accept the improvements required by this chapter by recording such acceptance in its minutes. In the event the council shall fail to act on the recommendations of the director of public works on any improvement required under this chapter within ninety days, such improvement shall be automatically accepted as of the last day of such ninety-day period. (Code 1962, § 13-42; 2- -66.)

CHAPTER 18

ZONING

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Article 1

Title, Applicability, Purpose

Sec.

- 18-1            Title.    This Ordinance shall be known as the Zoning Ordinance of the Town of Vienna.
  
- 18-2            Applicability.    This Ordinance shall apply to the incorporated territory of the Town of Vienna, Virginia.
  
- 18-3.            Purpose.    The zoning regulations and districts as herein established have been made in accordance with a comprehensive plan to promote, in accordance with present and future needs, the safety morals, order, convenience, esthetic appearance, and welfare of the community of Vienna, Virginia. This Ordinance is intended, among other purposes, to provide for adequate light, safety, and ample parking facilities, and to prevent undue concentration of population.



Article 2Definitions

Sec.  
18-4

Definitions. For the purpose of this Chapt., certain words and phrases used herein 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 "structure" includes the word "building"; the word "dwelling" includes the word "residence"; the word "lot" includes the word "plot"; and the word "shall" is mandatory and not discretionary.

**ACCESSORY BUILDING:** A subordinate building or a portion of the main building, the use of which is incidental to that of the principal use of the main building.

**ALLEY:** A minor public street which is used primarily for vehicular service access to the back or the side of properties having principal frontage on another street.

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

**AUTOMOBILE GRAVEYARD:** Any lot or place which is exposed to the weather and upon which more than five (5) motor vehicles of any kind, incapable of being operated, and which it would not be economically practical to make operative, are placed, located or found. (Amended Jan. 1969)

**BASEMENT:** A portion of a building, partly underground, which has more than one-half ( $\frac{1}{2}$ ) its height measured from finished floor to finished ceiling above the average grade of the adjoining ground, and not deemed a story unless the ceiling is six (6) feet or more above the average grade.

**BILLBOARD:** Any structure 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 lodging, meals, or lodging and meals, are provided for three (3) or more, but not exceeding nine (9) guests, on a nontransient basis.

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

**BUILDING HEIGHT:** The vertical dimension measured from the average elevation of the finished lot grade at the front of the building to the highest point of roof.

**BUILDING LINE:** A line parallel to the street which establishes the minimum horizontal distance between the lot line and the nearest part thereto of any permitted building.

**CARPORT:** Any space outside a building and contiguous thereto, wholly or partly covered by a roof, and used for the shelter of motor vehicles. An unenclosed carport is a carport with no side enclosure (other than the side of the building to which the carport is contiguous) that is more than eighteen (18) inches in height, exclusive of screens.

**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 (2) 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.

## 18-4 (contd.)

**CUSTOMER UTILITY SERVICE:** As used in this Chapt. the term "customer utility service" means all of those wires, conduits, pipes, cables and appurtenant equipment located between the pole and the wall of the building occupied by a customer in the case of an electric power, telephone, telegraph or cable television system; and all of those conduits, pipes, and appurtenant equipment located between the street main and the wall of the building occupied by a customer in the case of a gas, water, steam, petroleum or sewer system. (Amended 4-69)

**DRIVE-IN RESTAURANT:** Any establishment, however designed, where food is sold for consumption on the premises outside of any completely enclosed and roofed building.

**DWELLING:** A building designed or used as the living quarters for one (1) or more families (or family equivalent).

**DWELLING UNIT:** One (1) or more rooms in a dwelling providing complete living facilities for one (1) family (or family equivalent), including cooking facilities.

**DWELLING, SINGLE-FAMILY:** A detached building designed or used exclusively for occupancy by one (1) family (or family equivalent).

**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 (or family equivalent) living independently of each other. The term does not include hotel, tourist camp, cabin or court, trailer camp, motel, or similar premises.

**DWELLING, ROW:** One (1) of a series of three (3) or more attached one-family dwellings of substantially similar appearance separated from one another by a single partition wall without openings extended from basement to roof.

**FAMILY:** One (1) or more persons related by blood or marriage occupying a single housekeeping unit and using common cooking facilities; where such persons are related by blood or marriage, not more than two (2) boarders or lodgers shall be permitted.

**FAMILY EQUIVALENT:** Two (2) or more individuals not related by blood or marriage, not exceeding four (4) persons.

**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 principal building, and not rented or otherwise used as a separate dwelling.

**GUEST ROOM:** A room which is designed or intended for occupancy by one (1) or more guests, but in which no provision is made for cooking, and not including dormitories for sleeping purposes only.

## 18-4 (contd)

**HOME OCCUPATION:** Any accessory use of a dwelling unit in addition to occupancy. (See Section 18-173 for Supplemental Regulations.) A boarding house, tourist home, or real estate office shall not be deemed a home occupation.

**HOTEL:** Any building or portion thereof which contains guest rooms which are designed or intended to be used, let, or hired out for occupancy on a transient basis and which together are intended to provide for accommodations for compensation to ten (10) or more individuals at any given time. A hotel will be considered a commercial establishment.

**JUNK YARD:** Any land or building used for the abandonment, storage, keeping, collecting, or bailing of paper, rags, scrap metals, other scrap or discarded materials, or for the abandonment, demolition, dismantling, storage, or salvaging of automobiles or other vehicles not in running condition, machinery, or parts thereof.

**LOT:** Land occupied or to be occupied by a building, or unit group of buildings, and accessory buildings together with such yards and area as required by this Chapt., and having its principal frontage upon a public street, or upon a pedestrian right-of-way in a town house development.

**LOT AREA:** The total horizontal area within the boundary lines of a lot. Except as herein provided, no alley, public way, public land, or area proposed for future street purposes shall be included within the area of a lot.

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

**LOT DEPTH:** 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, except where a house is built with its front entrance on the long side, then this shall be considered the front. When sides fronting on the street are of equal lengths, the lot shall be considered to front on that street having the greater total of front footage of lots within the same block; provided, however, that where the Board of Zoning Appeals has specifically designated the front of the lot in accordance with Section 18-254.1, such designation shall thereafter prevail. (Amended 1-67)

## 18-4 (contd)

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

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

LOT, THROUGH: A lot, other than a corner lot, having frontage on two 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.

NONCONFORMING BUILDING: Any building or structure lawfully existing prior to the adoption of this Zoning Ordinance which does not conform to the area, bulk, yard, density, or off-street parking regulations of this Zoning Ordinance for the zone in which it is located.

NONCONFORMING USE: A use which lawfully occupied a building, structure, or land prior to the adoption of this Zoning Ordinance which does not conform to the use regulations of this Zoning Ordinance for the zone in which it is located.

PARCEL: Any tract of land, capable of subdivision into lots under this Chapter.

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 automobile.

PLANNING COMMISSION: The Planning Commission of the Town of Vienna, Virginia.

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

PRINCIPAL STREET: In the case where two existing streets are in question, the principal street is that street having the heavier volume of traffic as determined by the Chief of Police of the Town of Vienna. The Planning Commission shall make this determination in the case of a proposed street.

PRIVATE GARAGE: A detached accessory building or portion of a principal building for the parking or temporary storage of automobiles by the occupants of the premises, and in which no business, occupation, or service for profit is in any way conducted. No commercial vehicle except one of not more than one-half (1/2) ton capacity which belongs to, or is in the care and custody of, the occupants of the premises shall be parked, or stored, temporarily or otherwise, in a private garage.

## 18-4 (contd)

**PUBLIC:** Any land use, property, or structure owned by any political subdivision and dedicated to public use.

**PUBLIC GARAGE:** A building other than a private garage where automobiles are parked or stored.

**SEMI-PUBLIC:** Any non-profit land use, property, or structure of an institutional or civic nature including community buildings not owned and/or operated by a public agency.

**SHOPPING CENTER:** A group of not less than five (5) contiguous retail stores, having a total ground floor building area of not less than ten thousand (10,000) square feet, with immediately adjoining off-street parking facilities as required by this Chapter.

**SIGN:** Any words, numerals, figures, devices, designs, or trademarks by which anything is made known, such as are used to designate an individual, a firm, professions, business, or a commodity and which are visible from any public street. (This definition shall not include temporary merchandise signs displayed inside of a building.)

**STORY:** That portion of a building included between the surface of any floor and the surface of the next floor directly 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 which affords the principal means of access to abutting property.

**STREET LINE:** A dividing line between a lot, tract, or parcel of land and a contiguous street.

**STREET WIDTH:** The total width of the strip of land dedicated or reserved for public travel including roadway, curbs, gutters, sidewalks, and planting strips.

**STRUCTURAL ALTERATIONS:** Any change in supporting members of a building, such as bearing walls or partition columns, beams or girders, or any substantial change in the roof or the exterior walls.

**STRUCTURE:** Anything constructed or erected which requires location on the ground, or is 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.

**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 two or more trailers, tents, or movable or temporary dwellings, rooms, or sleeping quarters of any kind.

**TOURIST COURT:** A building or buildings, other than trailers, which are provided for tourist guests for compensation, including, but not limited to, auto courts, motels, motor hotels, and motor lodges.

## 18-4 (contd)

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

**TOWN HOUSE:** One of a series of attached, single-family dwelling units developed in groups or clusters and separated from one another by continuous vertical party walls without openings from basement to roof, and having diversified architectural facades, roofs and treatment of materials.

**TRAILER:** A residence, 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.

**TRAILER CAMP:** Same as "Tourist Camp".

**UNIT GROUP BUILDING:** Two (2) or more buildings (other than dwellings) grouped upon a lot and held under a single ownership, such as universities, hospitals and institutions.

**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, other than a court, 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 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 the principal building to the nearest part 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.

**ZONING ADMINISTRATOR:** The Town official designated by the Vienna Town Council to administer this Chapter.

**ZONING MAP:** The Official Zoning Map for Vienna, Virginia, together with all amendments thereto.

Article 3

Zone Categories and Boundaries

18-5 Zone Categories. For the purpose of this Chapt, the Town of Vienna is hereby divided into the following zones:

RS-16 Zone:	Single-family detached residential
RS-12.5 Zone:	Single-family detached residential
RS-10 Zone:	Single-family detached residential
RM-2 Zone:	Multi-family, low density
RTH Zone:	Town House
T Zone:	Transitional
C-1 Zone:	Local commercial
C-1A Zone:	Special commercial
C-2 Zone:	General commercial
CMP Zone:	Industrial Park Zone
CM Zone:	Limited Industrial

18-6 Determination of Zone Boundaries. Where uncertainty exists as to the boundaries of any of the zones established in Section 18-5 and as shown on the Zoning Map, the following rules shall apply:

- A. Zone boundaries 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.
- B. Where some boundaries are so indicated that they approximately follow lot lines and are not more than ten feet (10) distant therefrom, such lot lines shall be such boundaries.

18-7 Zoning Map. The locations and boundaries of the zones shall be as shown on the Official Zoning Map for Vienna, Virginia, approved May 29, 1959, together with all amendments thereto subsequently adopted. This map, with all explanatory matter thereon, shall be deemed to accompany, be, and is, hereby made a part of this Chapter.

Article 4General Regulations as to Uses, Height, and Area

- 18-8 Regulations as to Uses, Height, and Area. In interpreting and applying this Chapter, 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. Except as hereinafter provided, the following general regulations shall apply:
- 18-9 Uses. No land or building shall be used or designed to be used for any purpose other than is permitted in the zone in which such a building or land is located.
- 18-10 Height. 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.
- 18-11 Area.
- A. No building or structure shall be erected, reconstructed, structurally altered, enlarged or moved, 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.
  - B. No yard or other space provided about any building for the purpose of complying with the provisions of this Chapter 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 on any other lot.
  - C. No lot or parcel of land, with or without buildings at the time this Chapter became effective, shall be subdivided, resubdivided, or reduced in any manner below the minimum lot width and lot area required by this Chapter.
  - D. 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 principal building on one lot.



Article 5RS-16: Single-family Detached Residential Zone Regulations

The following regulations shall apply in all RS-16 Zones.

18-12 Permitted Uses. The following uses are permitted:

Single-family detached dwelling.

Accessory buildings, including barns and other bonafide farm buildings, and private garages.

Churches, and other places of worship.

Agricultural operations including floriculture, horticulture and nurseries provided all structures and buildings used in connection therewith are at least one hundred (100) feet from the nearest property line; poultry and dairy farming and horse breeding on parcels of at least ten (10) acres in area provided all animals and buildings and structures used in connection therewith are located at least one hundred (100) feet from the nearest property line.

Customary home occupations (see Home Occupation, Section 18-17)

The keeping of horses and/or ponies primarily owned and kept for the personal use of the occupant on the land on which they are maintained on parcels of at least two acres in area, provided:

1. All buildings and structures used in connection with the keeping of horses or ponies shall be located at least one hundred (100) feet from all of the property lines of the owner or keeper.
2. All bulk feed and other supplies, equipment and materials used in connection with the keeping of horses or ponies shall be located in such buildings or structures located at least one hundred (100) feet from all of the property lines of the owner or keeper.
3. Not more than one pony or horse per acre shall be kept and all such property on which such ponies and horses are kept shall be fenced in a manner which will prevent any or all of them from straying closer than 10 feet from any property line of the owner or keeper.  
(Amended 4-69)

18-13 Conditional Uses. The following may also be permitted subject to securing a Use Permit as provided in Section 18-209:

Colleges and schools (private, elementary and high) of a non-commercial nature.

18-13

Conditional Uses (continued)

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, sanitariums, and clinics which are an integral part of such hospitals and sanitariums; clinics which are not an integral part of such hospitals or sanitariums, animal hospitals, and facilities for treating contagious diseases, mental disorders, and drug or liquor addict cases are not permitted.

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 services, including the following: electric utility substations with non-rotating equipment; water and sewage pumping stations; aboveground transmission lines not exceeding 33 KV; telephone exchanges (but excluding service and service storage yards); provided that utilities shall be housed in a structure in keeping with the character of the neighborhood in which it is located.

Transitional Parking: Where the side or rear yard of any lot or parcel of land located in a C-1, C-1A or C-2 zone abuts land in any residential zone, automobile parking required in connection with the use of such commercial or industrial land, may, upon the granting of a use permit pursuant to Article 21 of this Chapt, be permitted as a transitional use in the abutting land zoned for residential use. Such Transitional Parking shall not extend more than 200 feet into any such abutting residential zone, shall not extend into the required front yard setbacks or properties on adjacent streets, shall not provide more than 40% of the parking space required by the commercial or industrial use for the benefit of which said Transitional Parking lot is requested, and shall conform with the provisions of Article 16 of this Chapt, except as otherwise expressly provided. (Amended 3-69)

18-14 Transitional Uses. None.

18-15 Area Requirements.

- A. Lot Area: All lots other than in approved subdivisions shall have a minimum area of sixteen thousand (16,000) square feet. In approved subdivisions, lot areas shall have an average of sixteen thousand (16,000) square feet and the minimum lot area shall be fourteen thousand (14,000) square feet.
- B. Lot Width: Minimum, ninety (90) feet. Minimum width at street line, fifty (50) feet.
- C. Front Yard: The building line shall not be less than sixty (60) 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 thirty-five (35) 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.
- D. 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.
- E. Rear Yard: Minimum, thirty-five (35) feet in depth.
- F. Lot Coverage: Not more than twenty-five percent (25%) of a lot shall be covered by buildings, including accessory buildings and/or automobile parking space. For the purposes of computing lot coverage, all accessory buildings or automobile parking spaces and access shall be included in lot coverage.

18-16 Height Limit. Maximum height, two-and-a-half (2 1/2) stories, but not to exceed thirty-five (35) feet.

18-17 Fences. Any fence from the rear lot line to, and including, the front line of the building shall be no more than six (6) feet high; except that on a through lot, a six-foot (6') high fence shall be located no closer than ten (10) feet to the rear property line; and except that on a corner lot the fence along the side yard fronting on a street shall be not more than four (4) feet high, and the fence along the rear line, from the front of the adjacent house to its street line shall not exceed four (4) feet in height. Any fence located between the front of the house and the front property line shall be not more than four (4) feet high.

- 18-18      Accessory Building and Private Parking Area Requirement.  
As specified in Article 17.
- 18-19      Offstreet Parking Area. As specified in Article 16.
- 18-20      Nameplate and Signs. As specified in Article 19.  
General Regulations. See Article 4.  
Supplemental Regulations. See Article 18.

Article 6

RS-12.5: Single-family Detached Residential Zone Regulations

The following regulations shall apply in all RS-12.5 Zones.

- 18-21 Permitted Uses. All uses permitted in RS-16 Zones.
- 18-22 Conditional Uses. All conditional uses permitted in RS-16 Zones.
- 18-23 Transitional Uses. None.
- 18-24 Area Requirements.
- A. Lot Area: All lots other than in approved subdivisions shall have a minimum area of twelve thousand five hundred (12,500) square feet. In approved subdivisions lot areas shall have an average of twelve thousand five hundred (12,500) square feet and the minimum lot area shall be ten thousand five hundred (10,500) square feet.
  - B. Lot Width: Minimum, eighty (80) feet. Minimum width at street line, fifty (50) feet.
  - C. Front Yard: The building line shall not be less than fifty-five (55) 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 thirty (30) 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.
  - D. Side Yard: Same as specified for RS-16 Zone.
  - E. Rear Yard: Same as specified for RS-16 Zone.
  - F. Lot Coverage: Same as specified for RS-16 Zone.
- 18-25 Height Limit. Maximum height, two-and-a-half (2 1/2) stories, but not to exceed thirty-five (35) feet.
- 18-26 Fences. As specified in Section 18-17.
- 18-27 Accessory Building and Private Parking Area Requirements. As specified in Article 17.
- 18-28 Offstreet Parking Area. As specified in Article 16.
- 18-29 Nameplates and Signs. As specified in Article 19.  
General Regulations. See Article 4.  
Supplemental Regulations. See Article 18.

Article 7RS-10: Single-family Detached Residential Zone Regulations

The following regulations shall apply in all RS-10 Zones.

- 18-30 Permitted Uses. All uses permitted in RS-16 Zones.
- 18-31 Conditional Uses. All conditional uses permitted in RS-16 Zones.
- 18-32 Transitional Uses. None.
- 18-33 Area Requirements.
- A. Lot Area: Minimum, ten thousand (10,000) square feet.
  - B. Lot Width: Minimum, seventy-five (75) feet. Minimum width at street line forty-five (45) feet.
  - C. 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.
  - D. Side Yard: Minimum, twelve (12) feet 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 lot shall have a side yard along its street side at least twenty-five (25) feet in width.
  - E. Rear Yard: Same as specified for RS-16 Zone.
  - F. Lot Coverage. Same as specified for RS-16 Zone.
- 18-34 Height Limit. Same as specified for RS-16 Zone.
- 18-35 Fences. As specified in Section 18-17.
- 18-36 Accessory Building and Private Parking Area Requirements. As specified in Article 17.
- 18-37 Offstreet Parking Area. As specified in Article 16.
- 18-38 Nameplates and Signs. As specified in Article 19.
- General Regulations. See Article 4.
- Supplemental Regulations. See Article 18.

Article 8RTH Town House

The following regulations shall apply in all RTH Zones. For general regulations see Article 4 of this Chapt. For supplemental regulations see Article 18 of this chapter; however, if the regulations in Article 8 conflict with those in Article 18, the regulations in Article 8 shall govern.

18-39

Statement of Purpose.

Every type of residential land use requires an appropriate relationship between lot area and density of population and sufficient open space surrounding living quarters to secure safety from fire, panic and other dangers; to insure privacy; to lessen congestion in the streets; to promote health and the general welfare; to provide adequate light and air; to prevent the over-crowding of land; to avoid undue concentration of population; to preserve the appearance of the community; to facilitate adequate provision for transportation, drainage and other public requirements; to conserve the value of buildings and encourage the most appropriate use of land. The importance of such safeguards increases with land uses which involve higher concentration of population.

In enacting this Article, it is the purpose of the Town Council to provide for controlled development of closely spaced, high quality, single family residential buildings with individual design characteristics and appearances; thereby permitting a higher density use of land, without departing substantially from the predominantly single family residential character of the existing development in the Town. In order to encourage more attractive site planning and building appearances, the controls provided in this Article are flexible in nature, as provided in Article 25. It is not the intent of this Article to permit the erection of apartment buildings of any type whatsoever.

18-40

Uses Permitted

The following uses are permitted:

- A. Town House Group Developments shall be permitted subject to approval of a Site Plan of each development by the Town Council in accordance with Section 18-43.
- B. Town House Cluster Development shall be permitted subject to approval of a Site Plan of each development by the Town Council in accordance with Section 18-43.

18-41 Conditional Uses

None

18-42 Transitional Uses

None

18-43 Site Plan Approval - As required by Article 25.18-44 General Specifications

- A. Total number of lots shall not cover more than 80% of the gross acreage of the development.
- B. All area and height and parking requirements for Town House Group Development and Cluster Development may be varied contingent upon an approved site plan.
- C. A minimum ten percent (10%) of the gross acreage of each Town House development shall be provided in one contiguous parcel of land for common open space, of such location, condition, size and shape to be usable for recreation. Flood plain land shall not be included in said ten percent (10%) unless it is of unusual shape and natural beauty, but in any event, the location of said common open space shall be approved by the Town Council.
- D. The common open space and any common parking lot, including any required screening, shall be conveyed to a non-profit corporation, organized and operated under the laws of Virginia. The owner or developer shall present with the Site Plan required by Article 25 copies of the articles of incorporation of such corporation, its by-laws and an adequately financed plan with effectuating agreements and covenants acceptable to the Town assuring the development and maintenance of the common open space and common parking lots.

The membership of such non-profit corporation shall consist of all the individual lot owners of the development.

- E. Common open space, excluding that contained in lots and streets, shall, after development in accordance with the Site Plan, not be denuded, defaced or otherwise disturbed in any manner without the written approval of the Town Council of Vienna. All common open space including, but not limited to paved parking areas and driveways, shall be maintained in accordance with standards and regulations from time to time issued by the Director of Public Works with the approval of the Town Council. (Amended 11-67)



- F. Minimum gross floor area: Gross plan area shall be interpreted as a measure of usable living area exclusive of attic, garage and basement which is more than 50% underground. Each Town House dwelling unit in a series shall have a minimum gross floor area of 1200 square feet with the average gross floor area within a series to be not less than 1400 square feet.
- G. Minimum area permitted, Town Group Development: One contiguous acre, maximum number of lots per gross acre not to exceed eight (8). Minimum lot size per dwelling unit: 2000 square feet with an average of 2400 square feet of lot area plus 600 square feet incorporated into additional rear yard area which forms a common greenway or pedestrian way at the rear of the development.
- H. Minimum area permitted, Town House Cluster Development: Five contiguous acres, maximum number of lots per gross acre not to exceed ten (10). Town Houses in a cluster development shall be constructed on lots consisting of a minimum of 2000 square feet, with an average of 2400 square feet.
- I. No more than ten (10) dwelling units shall be constructed in a contiguous series of Town Houses.
- J. Facades, roofs and treatment of external materials shall be submitted as a condition of site plan approval. Not more than two abutting dwelling units and not more than one third of any abutting series of dwelling units shall have the same architectural design or treatment of materials.

18-45 Lot Width

For each dwelling unit in a Town House Development there shall be a minimum lot width of twenty (20) feet for interior lots, thirty (30) feet for end lots, and forty (40) feet for corner lots.

18-46 Yard Requirements

See also 18-44.

18-47 Front Yard

Minimum of twenty (20) feet and average of twenty-five (25) feet from the front lot line with not more than two (2) abutting town houses having the same front yard setbacks.

18-48 Side Yard

For end lot: Ten (10) feet.  
 Corner lot: Twenty (20) feet.

18-49 Rear Yard

Miminum rear yard shall be no less than forty (40) feet.

18-50 Height Limit

Maximum height of each dwelling unit shall be two-and-one-half (2 1/2) stories, but not to exceed thirty-five (35) feet.

18-51 Accessory Building and Private Parking Area Requirements

The provisions of Article 17 of this Chapt shall not be applicable.

18-52 Off-Street Parking Area

As specified in Article 16 of this Chapter.

18-53 Name Plates and Signs

As specified in Sec. 18-185.

18-54 Public Utilities

All utilities requiring transmission by wires shall be placed underground or under surface except pad-mounted transformers which shall be properly screened.

Article 9

RM-2: Multi-family, Low Density Zone Regulations

The following regulations shall apply in all RM-2 Zones.

18-55 Permitted Uses: The following uses are permitted:

All uses permitted in RS-16 Zone. Two-family dwellings and multiple-family dwellings, and boarding houses.

18-56 Conditional Uses: All conditional uses permitted in RS-16 Zones and the office of a physician or a dentist.

18-57 Transitional Uses: None.

18-58 Area Requirements:

A. All single-family detached dwellings shall adhere to the area requirements as specified for RS-10 Zone. (See Section 18-33)

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.

B. Lot Area: Every lot shall have a minimum area of eight thousand (8000) square feet. The minimum lot area per dwelling unit for multi-family dwellings, including resident employees dwelling units, shall be two thousand (2000) square feet.

C. Lot Width: Minimum seventy (70) feet. Minimum width at street line forty (40) feet.

D. Front Yard: Same as specified for RS-16 Zone.

E. 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 lot shall have a side yard along the street side of at least twenty-five (25) feet in width.

F. Rear Yard: Minimum thirty-five (35) feet in depth.

G. Court Requirements: No court shall be enclosed by walls on all four (4) 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 1/2) times its width.

H. Multiple-family Dwellings: For these 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:

1. 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;

2. where buildings are side to side, one (1) times the height of the taller building, but not less than twenty (20) feet; and

3. where buildings are front to side, rear to rear, one and one-half (1 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.

I. Lot Coverage: Same as specified for RS-16 Zone.

J. Site Plan Approval: As required by Article 25.

18-59 Height Limit: Maximum height three (3) stories, but not to exceed thirty-five (35) feet above average grade.

18-60 Accessory Building and Private Parking Area Requirements: As specified in Article 17.

18-61 Offstreet Parking Area: As specified in Article 17.

18-62 Name Plates and Signs: As specified in Article 19.

General Regulations: See Article 4.

Supplemental Regulations: See Article 18.

## Article 10

### T: Transitional Zone Regulations

The following regulations shall apply in all T Zones. For general regulations see Article 4 of this Chapt. Whenever the provisions of this Article 10 are more restrictive than, or in conflict with, those of any other Article, the provisions of this Article 10 shall govern.

#### 18-63 Statement of Purpose

The purpose of the T Zone is to provide a buffer between residential and commercial areas and to encourage attractive development of certain land areas of the Town of Vienna which are zoned residential and located immediately adjacent to commercial zones. The regulations of this Article are, therefore, intended to permit professional office uses of a limited nature which are compatible with single-family residential land use.

#### 18-64 Limitation on Location

Only those land areas in a residential zone (RS-16, RS-12.5, or RS-10), the side or rear lot line of which coincides with the boundary of a commercial or limited industrial zone (C-1, C-1A, C-2, or CM), shall be eligible for reclassification to the T (Transitional) zoning category. Such reclassification procedure shall conform to the provisions of Article 24 of this Chapter.

#### 18-65 Limitation on Depth of Zones

Only that land lying within 200 feet of the nearest boundary of a C-1, C-1A, C-2, or CM Zone shall be eligible for reclassification to the T (Transitional) zoning category.

#### 18-66 Permitted Uses

- A. All uses permitted in the least restrictive abutting residential zone.
- B. The principal offices of physicians, dentists, attorneys-at-law, architects, real estate brokers, insurance brokers, accountants, consulting engineers, land appraisers, stock brokers, mortgage brokers, teachers and professors offering instruction only, and public stenographers.

#### 18-67 Conditional Uses. None.

#### 18-68 Area Requirements

- A. Lot Area: Same as specified for least restrictive abutting residential zone.

## 18-68 (cont.)

- B. Lot Width: Same as specified for least restrictive abutting residential zone.
- C. Side Yard: Same as specified for least restrictive abutting residential zone.
- D. Front Yard: Same as specified for least restrictive abutting residential zone.
- E. Lot Coverage: Same as specified for least restrictive abutting residential zone.
- F. Height Limit: Same as specified for least restrictive abutting residential zone.

18-69 Off-Street Parking Area

The provisions of Article 16 of this Chapt. shall apply except that when deemed appropriate by the Planning Commission access driveways and access driveway throats less than twenty-five (25) feet in width, but not less than eighteen (18) feet in width may be permitted. All parking areas in the T Zone shall be located at the rear of the principal building and shall comply with the provisions of Section 18-136 applicable to parking areas adjoining a residential zone or extending into a residential zone as a transitional use; provided that no lighting standards shall be more than six (6) feet in height and shall not illuminate the parking area at a level greater than that which would be achieved by the use of a single one hundred (100) watt incandescent lamp for each four parking spaces provided.

18-70 Special Regulations

- A. Every activity, operation or undertaking connected with any business in the T Zone except the parking of passenger automobiles shall be wholly conducted within a totally enclosed building which shall conform in all material aspects of its external appearance to the single-family dwellings in the abutting residential zone; especially as to height, size, architecture, treatment and use of materials and landscaping.
- B. No business in the T Zone shall display or create outside of its principal building any evidence of the business use of the premises except the nameplate identification sign permitted by Section 18-185.
- C. No internal combustion engines shall be used in connection with such business, and no electric motors larger than one (1) horsepower shall be used other than for normal domestic uses.
- D. The business shall emit no sound, vibration, electromagnetic radiation, odor, fumes, gases, smoke, illumination, or noise, in excess of that which would be incident to a normal single family residence.

18-70 (cont.)

E. No stock of merchandise for sale shall be kept on the premises. No sales shall be made from the premises except those incident to professional services permitted in the T Zone.

F. No deliveries of supplies or equipment shall be made between 6:00 P.M. and 8:00 A.M. to or from the premises.

G. No vehicles other than passenger automobiles or passenger station wagons shall be used in connection with any business conducted in the T Zone, and there shall be no repair or servicing on the premises of any motor vehicles.

H. No business activity shall be conducted which would adversely affect the use, development or enjoyment of adjoining or neighboring residential properties.

I. All trash receptacles shall be covered and housed in a completely enclosed structure.

18-71 Site Plan Approval: As required by Article 25.

General Regulations: See Article 4.

Supplemental Regulations: See Article 18.

Article 11

C-1: Local Commercial Zone Regulations

The following regulations shall apply in all C-1 Zones.

18-72 Permitted Uses.

A. The uses permitted within the C-1 Zone must meet all of the following criteria in addition to all other requirements specified in this Article except those hereinafter expressly prohibited and those designated with special conditional limitations.

1. General business enterprises consisting of sales; home installation services associated with sales; offices, recreation, limited repairing, manufacturing, processing or assembly; shall be permitted provided, however, that;

a. The entire operation of the business or activity shall be conducted wholly within an enclosed building(s).

b. No sales or services of any kind, type or nature, comprising or relating to the business shall be conducted on the premises outside of a wholly-enclosed building(s). Nor shall any sales be permitted for consumption on the premises outside of a wholly-enclosed building.

c. No storage or display of merchandise, equipment, or other material will be permitted outside of a wholly-enclosed building(s) regardless of whether the storage or display area is a public thoroughfare or is privately owned.

d. Repairing, processing, manufacturing, washing, drying, dry cleaning, fabricating, forming, finishing or assembly shall be limited to those which are incidental to home consumption or use and services to other commercial enterprises when such services are not performed for or do not result in the resale by the recipient thereof. Such a use however shall not be permitted if there is any emission of smoke, odor or noise which is detectable outside of the building(s) beyond the boundaries of the lot on which the building housing such use is located.

e. Office buildings shall be occupied solely for professional use or the administrative activities accessory to other than professional uses. No such professional or administrative activity shall be considered as a permitted use if it involves storage or parking on the premises of trucks, busses, taxis, equipment, or other commercial vehicles other than passenger automobiles incidental to the professional use or required for the use of persons engaged in the purely administrative activities accessory to the non-professional use.



18-72 Permitted Uses. (cont'd)

f. No business shall be considered as a permitted use if it involves the killing of poultry or other livestock or the processing of animal products. This restriction shall not include the cutting and preparation of animal products when performed for retail sale on the premises as food for consumption; and the killing or cutting of animals, other than human, incidental to medical practice or medical research.

g. Where a building(s) contains office space as well as other commercial enterprises, the applicable criteria in this Section for office buildings shall apply to that portion of the building consisting of offices and the other criteria shall apply to the other commercial enterprises.

18-73 Special Conditional Limitations.

A. Restaurants shall be permitted only where they meet the specific conditions of either of the following:

1. Such restaurant has a seating capacity for serving meals to 300 or more persons, and;
  - (a) No food or beverage is sold for consumption outside the confines of the said building in which the restaurant is located or beyond the limits of any roof garden thereon.
2. Such restaurant, without regard to seating capacity is located in an office building which is principally occupied and used for professional or administrative offices as described in 18-72 above; and
  - (a) No food or beverage is sold for consumption outside the confines of the said building in which the restaurant is located or beyond the limits of any roof garden thereon.

The restrictions established in A.1.(a) and A.2.(a) above shall not be construed to prohibit any bona fide licensed catering service operation. (Amended 7-69)

B. Residential apartment use shall be permitted where:

1. The apartment(s) is located in a building which is principally occupied and used for other uses permitted in 18-72; and,
2. Such apartments are located on a floor(s) above the street floor of said building; and,
3. Provided the apartment and buildings in which any such apartments are located shall in addition to the requirements hereof meet all other requirements of law applicable to apartment dwellings.

18-74 Use Permit Required.

A. Each separate use conducted within a building in this zone and each accessory use to any such primary use conducted in a building in this zone shall require a separate use permit before such separate primary or accessory use shall be engaged in.

18-75 Change of Zone.

A. Following the adoption of this ordinance by the Town Council no application by any property owner for the rezoning of land in the Town of Vienna to this zoning classification shall be entertained by the Town Council unless and until such application is accompanied by:

1. Detailed written description of the intended use to which such land is to be put; and,
2. A site plan of the structure(s) intended to be placed on such land to accomplish the intended use. Such site plan shall conform in all respects to the provisions of Article 25 of this zoning ordinance.
3. Such other assurances that the proposed land use will be accomplished by the applicant as the Town Council may reasonably require.

18-75.1 Area Requirements.

A. For buildings hereafter erected, and used exclusively for dwelling purposes, see Section 18-149.

B. Front Yard: Same as specified for RS-16 Zone, except that parking will be permitted between the building front, and twenty-five (25) feet from the street line.

C. 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; and further, each commercial or industrial building 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.

D. Rear Yard: Minimum twenty-five (25) feet in depth.

E. These area requirements may be modified by the Council in accordance with the provisions of Article 25, Section 18-256 of this Code.

18-75.2 Height Limit. Maximum height of any structure erected following the adoption of this section, three (3) stories above ground level, but not to exceed thirty-five (35) feet above ground level. (Structures in existence at the time of adoption of this section that exceed the above height limit will not be considered nonconforming as to the height limit provision.)

18-75.3 Accessory Building and Private Parking Area Requirements. Accessory building and private parking area requirements for dwellings erected in this commercial zone shall be as specified in Article 17.

18-76 Offstreet Parking Area.

A. As specified in Article 16.

B. The parking of vehicles belonging to and which are part of the business activity within a building, other than vehicles configured as private passenger cars, may be in an enclosed or partially-enclosed building or in the open. Provided, however, that the partially-enclosed building or open area shall be so located as to not be visible from the principal street on which the premises face and screened from any adjacent or abutting residential area by an ornamental fence or masonry wall which shall be no less in height than the greatest height of the vehicles to be parked.

18-77 Names Plates and Signs.

As specified in Article 19 except that free-standing signs as specified in Section 18-196 of Article 19 as well as standards, banners, flags, streamers and similar devices used for advertising purposes, shall not be permitted in the C-1 Zone.

18-78 Site Plan Approval

As required by Article 25.

General Regulations. See Article 4.

Supplemental Regulations. See Article 18.

18-79 (Reserved)

Article 12

C-1A: Special Commercial Zone Regulations

The following regulations shall apply in all C-1A Zones.

18-80

Permitted Uses

A. All uses permitted in C-1 Zones provided that such uses when located in the C-1A Zone conform to all provisions of the C-1A Zone.

B. The following specified retail stores, shops, or businesses shall be permitted provided that:

1. there shall be no manufacturing, compounding, 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, vibrations, or other similar causes;

3. such stores, shops, or businesses shall be conducted wholly within an enclosed building.

Auto glass shop.

Automobile parking lot (public) provided it is developed in accordance with provisions of Sections 18-135, 18-136, and 18-137.

Bowling Alley.

Business college operated as a commercial establishment.

Blueprinting and photostating office.

Catering establishment.

Cleaning establishment (limited to retail on premises).

Department and variety stores.

Frozen food lockers, excluding wholesale storage.

Hospitals and sanitariums.

Newsstands.

Plumbing shops, if clearly retail.

Public service, including fire or police station, telephone exchange and the like, as defined and regulated in Section 18-13.

18-80 (cont.)

- Sign painting shop.
- Theater.
- Loan or credit offices.
- Laboratories.
- Self-service laundries.

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

18-81 Conditional Uses.

The following uses may also be permitted subject to securing a Use Permit as provided for in Section 18-209.

Amusement enterprises, if conducted wholly within an enclosed building.

Auditoriums and halls.

Farm or gardening implement sales and service.

Taxi stand. (Only private property).

Auto sales, new and second-hand; provided, however, that second-hand auto sales will be allowed only where such sales will be made as a normal part of the business of a franchised dealer in new automobiles, and where such second-hand autos are kept upon and sold from the same premises as those upon which the new automobile agency is located.

Tourist court and hotel.

18-82 Area Requirements.

A. For buildings hereafter erected and used exclusively for dwelling purposes, see Section 18-149.

B. Front Yard: For buildings fronting on streets with widths of ninety (90) 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 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.

## 18-82 (cont.)

C. Side Yard: None required, except that each commercial or industrial building 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.

D. Rear Yard: Minimum ten (10) feet.

18-83 Height Limit

Maximum height for buildings used wholly for commercial and business purposes, shall not exceed seventy-five (75) feet above ground level; for buildings used for any residential purpose, in part or in whole, three (3) stories above ground level; but not to exceed thirty-five (35) feet above ground level.

18-84 Accessory Building and Private Parking Area Requirements.

As specified in Article 17.

18-85 Off-Street Parking Area.

As specified in Article 16.

18-86 Name Plates and Signs.

As specified in Article 19.

18-87 Site Plan Approval.

As required by Article 25.

General Regulations. See Article 4.

Supplemental Regulations. See Article 18.

Article 13C-2: General Commercial Zone Regulations

The following regulations shall apply in all C-2 Zones.

18-88 Permitted Uses:

A. All uses permitted in C-1, or C-1A Zones provided that such uses when located in a C-2 Zone conform to all provisions of the C-2 Zone and provided that such uses are not designated as Conditional Uses in the C-2 Zone.

B. 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, and products are not objectionable due to odor, dust, smoke, gas, noise, vibrations, or other similar causes.

Automobile Service Station

Automobile Tire Sales and service (such use not to include recapping or retreading on the premises)

Feed or fuel store wholly within an enclosed building

Minute car wash station

Wholesale merchandising broker, excluding wholesale storage

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

18-89

Conditional Uses: The following uses may also be permitted subject to securing a Use Permit as provided for in Section 18-209.

Amusement enterprises, if conducted wholly within an enclosed building

Auditoriums and halls

Farm or gardening implement, sales and service

Pet Shop

Auto sales, new and second-hand; provided, however, that second-hand auto sales will be allowed only where such sales are made as a normal part of the business of a franchised dealer in new automobiles, and where such second-hand autos are kept upon and sold from the same premises as those upon which the new automobile agency is located.

18-89 (cont.) Tourist Court and Hotel.

18-90 Area Requirements.

A. For buildings hereafter erected and used exclusively for dwelling purposes, see Section 18-149.

B. Front Yard: For buildings fronting on streets with widths of ninety (90) 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.

C. Side Yard: None required except that each commercial or industrial building 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.

D. Rear Yard: Minimum of ten (10) feet.

18-91 Height Limit. Maximum height limit for buildings used wholly for commercial and business purposes shall not exceed seventy-five (75) feet above ground level; for buildings used for any residential purpose, in part or in whole, three (3) stories above ground level, but not to exceed thirty-five (35) feet above ground level.

18-92 Accessory Building and Private Parking Area Requirements. As specified in Article 17.

18-93 Offstreet Parking Area. As specified in Article 16.

18-94 Nameplates and Signs. As specified in Article 19.

18-95 Site Plan Approval. As required by Article 25.

General Regulations. See Article 4.

Supplemental Regulations. See Article 18.



Article 14CMP: Industrial Park Zone Regulations

The following regulations shall apply in all CMP Zones.

The purpose of this Industrial Park (CMP) Zone is to provide a protective zone for a park-like development of industry that is based on the performance of an industry as well as on the type of industry. This zone is intended to be located in areas which are not feasible for light or heavy industrial developments because of proximity to residential uses or other conditions. The regulations for this zone are intended to encourage development compatible with surrounding or abutting residential districts, with suitable open spaces, landscaping, and parking areas. To these ends, development is limited to a low concentration; external effects are limited; and permitted uses are confined to those administrative, research, and manufacturing activities which can be carried on in an unobtrusive manner, and to certain facilities which are necessary to serve the employees of the district.

These regulations have been established so as to provide a healthful operating environment for industry, while preventing detrimental effects to the use or development of adjacent properties or the general neighborhood; to protect industries within the district from the adverse effect of other incompatible industries, and at the same time to reduce to a minimum the impact of industries on surrounding non-industrial land uses; and to protect the health, safety, and welfare of the residents or workers in the area.

18-96

Permitted Uses

Any of the following uses to be conducted wholly within a completely enclosed building except offstreet parking and loading, provided such uses meet performance standards set forth herinafter:

- A. Professional, executive, and administrative offices.
- B. Research, experimental, or testing laboratories.
- C. Assembly of electrical appliances, electronic instruments and devices, radios and phonographs, including the manufacture of small parts only, such as coils, condensers, transformers, and crystal holders.
- D. Other assembly, limited manufacturing or other uses which fulfill the conditions and standards of this Article, when located and arranged according to a plan providing for aesthetic and other conditions in harmony with the neighborhood and approved by the Town Council after receiving report and recommendation thereon from the Planning Commission.

18-96 (cont.)

E. Uses customarily incident to any of the above uses when located on the same lot, provided that such uses, operations, or products are not objectionable due to odor, dust, smoke, noise, vibration, or other similar causes.

F. Accessory buildings when located on the same lot.

G. A residence related to the use allowed in this Zone, such as janitor or night watchman. Any such residence shall meet the requirements of the RM-2 or this zone, whichever are more restrictive.

H. Facilities operated by and within an industrial establishment within the zone primarily for its own employees, such as snack bars, or cafeterias, or employees' recreational facilities.

18-97 Conditional Uses. None.

18-98 Area Requirements.

A. Any tract of land zoned CMP, (Industrial Park) shall have a minimum area of fifty (50) acres except that a tract with an area of not less than ten (10) acres shall be permitted where such tract adjoins and has a common boundary with a CMP Zone.

Within any CMP zoned area, each main building erected, together with its accessory buildings, shall be located on a lot having an area of at least two (2) acres, with the exception of public utility buildings and structures necessary for public convenience and service, which may be located on a lot having an area of one (1) acre; subject to the approval of the Town Council upon consideration of the necessity of the exception; and provided that the lot is of sufficient size that all provisions of this Article may be fulfilled.

B. Required Yards and Landscaped Areas: No principal or accessory building shall be located:

1. Less than fifty (50) feet from front, rear, or side lot line.
2. Less than one hundred (100) feet from the boundary of any residential zone.
3. Less than the following minimum distances from the street right-of-way line or proposed street right-of-way of the following types of streets or highways as designated by proper governmental authority:

Freeway or express highway	100 feet
Other primary highways	75 feet

18-98 (cont.)

Connecting or secondary (arterial) highway	75 feet
From a local street within the Industrial Park Zone	50 feet

No parking area shall be located:

(a) Less than fifty (50) feet from a lot line fronting on a public street.

(b) Less than fifteen (15) feet from any side or rear lot line; provided that the Town Council may waive this requirement.

(c) Less than fifty (50) feet from any residential zone.

C. Landscaping: The required yards set forth above shall be landscaped in accordance with a plan approved by the Town Council after receiving report and recommendation of the Planning Commission as set forth in Section 18-116.

Landscaping shall mean the planting of grass, shrubs, trees, and other comparable ground-cover, as well as the provision of fences where required. To protect the abutting contiguous uses, a protective strip of land bordering the external boundaries and along any frontage on public rights-of-way and devoted to the planting, cultivation, growing, and maintenance of sight-obscuring trees, shrubs, and plant life shall be established and maintained. The maintenance guarantee of such protective strips and the planned landscaping of the site may be bonded to the Town of Vienna in a reasonable amount if required by the Town Council.

D. Planting Screens: All planting screens or walls required in Section 18-101. (Offstreet Parking Area) shall be located abutting parking areas rather than on the periphery of the lot.

E. Frontage: Each lot shall have a minimum frontage of one hundred fifty (150) feet on a street or private way; provided, however, that the Town Council may approve a lesser frontage to a minimum of one hundred (100) feet for lots located on cul-de-sacs or on street curves or having other extraordinary characteristics.

F. Lot Coverage: Not more than twenty-five (25%) percent of the area may be covered by buildings, including accessory buildings.

G. Spacing Between Buildings: No building other than an accessory building shall be located closer than fifty (50) feet to any other building.

18-99

Height Limit

The maximum height for any structure shall be forty-five (45) feet, except that accessory structures may be of a greater

## 18-99 (cont.)

height provided such greater height is approved by the Town Council after obtaining a report and recommendation thereon from the Planning Commission.

18-100 Outside Storage

Raw materials and supplies and finished or semi-finished products may, if properly screened from streets and any abutting property by landscaping, fences, or walls, be stored in the open within the setback requirement for the area. When fences or walls are used for screening, they shall be solid and at least six (6) feet in height, and of a minimum height equal to the material stored. Outdoor storage facilities shall not occupy more than five (5%) percent of the area of the lot.

Fuel storage tanks utilized as part of the heating equipment of an establishment shall be located underground or in a building. Bulk storage of gasoline or petroleum products shall not be permitted except as incidental to a laboratory, a production operation, or the servicing of company-owned or leased vehicles, and then shall be subject to the fire regulations of the Town of Vienna and of Fairfax County.

18-101 Off-street Parking Requirements

In a CMP Zone the following off-street parking regulations shall supersede those in Article 16, whenever the following regulations are more restrictive.

The minimum requirement for off-street parking for an industrial or manufacturing establishment or warehouse or similar use shall be one parking space for each one and one-half employees or one for each two employees on combined major and second shifts, and in addition one visitor parking space for every ten employees, except that the Town Council may authorize fewer visitor parking spaces if it finds that a lesser number will be sufficient for the operation anticipated. In addition to the foregoing, one parking space shall be provided for each company-owned or leased truck, passenger car, or other vehicle located or principally based on the premises. No parking spaces may be located within required yards, except that an area equivalent to not more than five (5%) percent of the total area of all required parking spaces may be located within a required yard for use as parking space for visitors, selected personnel, and minor deliveries. Off-street parking spaces may be grouped in facilities serving more than one lot or establishment. When the lot on which parking spaces are located abuts the rear or side lot line of, or is across the street from, any land in a residential zone other than publicly owned land, a wall, fence, or evergreen plantings six (6) feet or more in height shall be maintained so as to screen substantially the parking lot from view from the nearest property in the residential zone. The screenings shall be maintained in good condition at all times. In parking lots of one acre or more at least five (5%) percent of the area of the parking lot shall be devoted to landscaping within the interior

## 18-101 (cont.)

of the parking area. No lighting on parking lots shall be more than ten (10) feet above ground level and shall be so screened as not to shine beyond the parking lot.

18-102 Loading Berth Requirements

Off-street loading berths shall be provided for all buildings in which material of any kind is received or from which material is shipped. The number and size of loading berths is dependent upon the type and volume of material received and shipped. The plot plan required in Section 18-116(A) shall show the number and size of loading berths together with sufficient information, either on the plot plan or by a separate statement in writing, as to the type and average daily volume of materials to be received and shipped. The number and size of loading berths to be provided will be subject to approval of the Town Council, after receiving a recommendation and report thereon from the Planning Commission at the time the plot plan is approved. In determining the adequacy of the loading berths, the Town Council will be governed by the standard that sufficient berths of a appropriate size will be provided reasonably to preclude the necessity of having cargo vehicles parked or standing on public streets awaiting their turn either to load or unload. Such berths may be located either within a building or in the open, but not within required yards. If such berths are not enclosed they shall be located not less than three hundred (300) feet from any residence zone boundary or public park area and effectively screened therefrom as in the case of parking areas specified in Section 18-101. For the purpose of this section the 300-foot limitation shall not be applied against a residential zone area across a railroad right-of-way.

18-103 Access Roads to Loading Berths

All access roads to loading berths shall be at least fourteen (14) feet wide, except that if tractor-trailers are to be accommodated, then the roads shall be at least fourteen (14) feet wide for one-way traffic and at least twenty-two (22) feet wide for two-way traffic.

18-104 Loading on Rail Lines

In the event that the operation requires loading and unloading facilities on existing rail lines or on spur lines constructed as a necessary part of the facility, loading and unloading areas shall be screened from adjoining, abutting, or opposite residential areas by landscaping, fences, or walls. The necessity for proposed spur lines, and the screening proposed for such loading and unloading facilities, shall be set forth in the plot plan required in Section 18-116(A).

18-105 Hours Prohibited for Loading

Loading and unloading, except from a berth located within a building, shall not be permitted between the hours of 10:00 P.M. and 6:00 A.M.

18-106 Signs

As specified in Article 19, except that free-standing signs may be placed at ground level provided such signs are not so located as to obstruct, impair, or impede the line of sight for traffic coming from the opposite direction or traffic moving along intersecting streets, highways, or roads, whether public or private.

18-107 Lighting of Free-standing Signs

Free-standing signs may be lighted by either self-contained lighting or external lighting provided such lighting shall be shielded or directed in such a way that it does not shine or reflect into any residential zone or public park or public road.

18-108 Screening

Wherever in this Article provision is made for erection and maintenance of a wall, fence, or evergreen planting for screening purposes, such wall or fence shall be of sufficient height to screen the activity from a residential zone or public park area, but, in no event, less than six (6) feet in height. The wall or fence shall not contain any openings other than entrances or exits or necessary openings to provide for proper drainage. Walls and fences shall be of substantial construction and maintained at all times in a state of good repair, and such walls, fences, and screening shall be set back at least twenty (20) feet from road intersections so as not to obstruct the line of sight in either direction.

18-109 Evergreen Screening

Evergreen screening, except where existing natural screening is used, shall consist of evergreen plantings with the same height restriction provided for walls and fences in Section 18-108. Such plantings shall be so staggered and in such depth that activities on one side cannot be readily observed from the other side through the screening.

18-110 Inadequately Maintained Screening

Wherever a wall, fence or natural screen is not adequately maintained by the owner of the property, then the Town of Vienna, after giving thirty (30) days' written notice to the property owner, may take the necessary action to repair or otherwise maintain the wall, fence, or natural screen. The expense for such repair or maintenance shall be chargeable to the owner of the property and shall become a lien on the real property with the same force and effect as real property taxes.

18-111 Street Rights-of-way

All public streets, highways, or roads within the Industrial Park Zone shall have a minimum of a sixty (60) foot right-of-way with a minimum of a forty (40) foot paved area.

18-112 General Intent

It is the intent of these regulations to prevent land or buildings from being used or occupied in any manner so as to create any dangerous, injurious, noxious, or otherwise objectionable fire, explosive, radioactive, or other hazardous condition; noise or vibration; smoke, dust, odor, or other form of air pollution; electrical or other disturbance; glare or heat; liquid or solid refuse or wastes; condition conducive to the breeding of rodent or insects; or other substance, condition, or elements in a manner or amount as to adversely affect the surrounding area. Any use permitted under Section 18-96 may be undertaken and maintained if it conforms to all regulations of the CMP Zone including the regulations of this section referred to hereinafter as "General Intent". Specifically, all uses shall operate in conformance with the limitations set forth in the section below.

18-113 Limitations upon External Effects

Limitations shall be imposed upon external effects of any use permitted in a CMP Zone and the specific standards to be followed are as set forth in Section 18-117.

18-114 Plans for Abatement to be Presented

Plans for such abatement measures and/or devices as are necessary to bring the proposed operation into conformance with the above general intent shall be presented to the Planning Commission and the Town Council at the time of application for site plan approval. Performance standards specifications shall be included as a part of these plans.

18-115 Tests for Non-adherence to Standards

In the event the Town Council has reason to believe that an installation in a CMP Zone is not operating within the performance standards set by this Article the Council may cause to be made such tests as are necessary to demonstrate adherence or non-adherence to the standards in accordance with recommendations of the Planning Commission. If the operator is found to be in violation of this Article he shall be required to pay the reasonable costs of such tests.

18-116 Application and Site Plan Approval

A. Application: In addition to submitting the plans and other data required in Chapt. 4 of the Code of Vienna, an applicant for a building permit or certificate of occupancy in a CMP Zone shall submit a plan of development to the Planning Commission as set forth in Section 18-116(D) below; a description of the proposed operation including all machinery, processes, and products; and estimate of the maximum number of employees contemplated and the number of shifts during which they would work; and specifications for the mechanisms and techniques to be used in restricting the emission of dangerous and objectionable elements. The description of the proposed operation must be in sufficient detail to

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indicate the effects of the operation in the production of auto and traffic congestion or problems of noise, glare, odor, sewerage, air pollution, water pollution, fire or safety hazards, or other factors detrimental to the health, safety, and welfare of the area.

B. Other Information Required: The applicant shall provide whatever other information the Planning Commission or the Town Council may require to determine the effect that the proposed uses may have upon their environment and on the cost of providing municipal services to the areas.

C. Private Covenants Included in Plan: Private covenants and/or provisions for associations of individual owners proposed within a CMP Zone shall be included as a part of the preliminary development plan.

D. Plan of Development, Requirements for; Approval of: No building permit or certificate of occupancy shall be issued for any use except in accordance with a plan of development approved by the Town Council after receiving a prior report and recommendation of the Planning Commission for the lot or tract on which such use is to be located. Other property owners within the particular CMP Tract involved shall be advised of such submission and given the opportunity to present their views to both the Planning Commission and the Town Council. Such plan of development shall show the location and height of all buildings and structures; the area devoted to parking facilities and loading berths; all access roads, landscaping and screening plans; areas designated for outdoor storage; proposed signs; and other features required by this Article. The Planning Commission and the Town Council shall consider the standards and objectives of the Industrial Park regulations and, specifically, the location of buildings, parking and loading areas, and other features with respect to the topography of the lot and existing natural features such as water courses and large trees, with the objective of achieving a maximum of coordination between the proposed use and the surrounding uses.

E. When Issuance of Permit Authorized: Upon the finding by the Town Council after prior report and recommendation of the Planning Commission that the contemplated development will constitute an industrial development of sustained desirability and stability, that it will be in harmony with the character of the surrounding neighborhood, and consistent with the overall long-range plans for the community, that it will not result in traffic hazards, and that the plans indicate that it will be adequately landscaped, buffered, and screened, the Town Council shall authorize the issuance of a permit or permits for a proposed development in a CMP Industrial Park Zone.

F. Change in Use: A new certificate of occupancy shall be required if there are any major structural alterations or substantial variations from the operations referred to in the building permit or previous certificate of occupancy permitting such use. However, any normal replacement or addition



## 18-116 (cont.)

of equipment and machinery not affecting the foregoing operations or not changing the degree or nature of dangerous and objectionable elements emitted shall not be considered a change in use.

18-117 Performance Standards

All uses in a CMP Zone shall operate in conformance with the limitations set forth in each subsection below:

1. Vibration. No vibration shall be produced which is transmitted through the ground and is discernible without the aid of instruments at or at any point beyond the lot line; nor shall any vibration produced exceed 0.002g peak measured at or beyond the lot line using either seismic or electronic vibration measuring equipment.

2. Noise. All noise shall be muffled so as not to be objectionable due to intermittence, beat frequency, or shrillness. In no event shall the sound-pressure level of noise radiated continuously from a facility at night-time exceed at the lot line the values given in Table I (set out hereafter) in any octave band of frequency. However, where the lot line adjoins or lies within twenty-five (25) feet of the boundary of a residence district the sound-pressure levels of noise radiated at night-time shall not exceed at the lot line the values given in Table II (set out hereafter) in any octave band of frequency. The sound-pressure level shall be measured with a Sound Level Meter and an Octave Band Analyzer that conform to specifications published by the American Standards Association. (American Standard Sound Level Meters for Measurement of Noise and Other Sounds, Z24.3-1944, American Standards Association, Inc., New York, N.Y., and American Standard Specification for an Octave-Band Filter Set for the Analysis of Noise and Other Sounds, Z24.10-1953, American Standards, Inc., New York, N.Y., shall be used).

TABLE I

Maximum permissible sound-pressure levels at the lot line for noise radiated continuously from a facility between the hours of 9:00 P.M. and 7:00 A.M.

Frequency Band Cycles Per Second	Sound Pressure Level Decibels re 0.0002 dyne/cm <sup>2</sup>
20-75	69
75-150	60
150-300	56
300-600	51
600-1,200	42
1,200-2,400	40
2,400-4,800	38
4,800-10,000	35

If the noise is not smooth and continuous and is not radiated between the hours of 9:00 P.M. and 7:00 A.M., one or more of the corrections in Table III below shall be added to or subtracted from each of the decibel levels given above in Table I.

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TABLE II

Maximum permissible sound-pressure levels at a lot line for noise radiated continuously from a facility between the hours of 9:00 P.M. and 7:00 A.M., where the lot line adjoins or lies within twenty-five (25) feet of the boundary of a residence district.

Frequency Band Cycles Per Second	Sound Pressure Level Decibels re 0.0002 dyne/cm <sup>2</sup>
20-75	65
75-150	50
150-300	43
300-600	38
600-1,200	33
1,200-2,400	30
2,400-4,800	28
4,800-10,000	26

If the noise is not smooth and continuous and is not radiated between the hours of 9:00 P.M. and 7:00 A.M., one or more of the corrections in Table III below shall be added to or subtracted from each of the decibel levels given above in Table II.

TABLE III

Type of Operation in Character of Noise	Correction in Decibels
Daytime operation only	plus 5
Noise source operates less than 20% of any one-hour period	plus 5*
Noise source operates less than 5% of any one-hour period	plus 10*
Noise source operates less than 1% of any one-hour period	plus 15*
Noise of impulsive character (hammering, etc.)	minus 5
Noise of periodic character (hum, screech, etc.)	minus 5

\*Apply one of these corrections only

3. Air Pollution, Smoke, Dust, Fumes, Particulate Matter.

a. Definitions.

(1) Particulate Matter. Material which is suspended in or discharged into the atmosphere in finely divided form as a liquid or a solid, including smoke, dust, fumes, or mist.

18-117 (cont.) (2) Process Weight Per Hour. The total weight of all materials introduced into any specific process which process may cause any discharge into the atmosphere. Solid fuels charged will be considered as part of the process weight but liquid and gaseous fuels and combustion air will not. "The Process Weight Per Hour" will be derived by dividing the total process weight by the number of hours in one complete operation from the beginning of any given process to the completion thereof, excluding any time during which the equipment is idle.

(3) Combustion Contaminants. Particulate matter, sulfur, carbon, or their compounds, discharged into the atmosphere from the burning of any kind of material containing carbon in a free or combined state.

(4) Atmosphere. The air that envelops or surrounds the earth. Where air pollutants are emitted into a building not designed specifically as a piece of air pollution control equipment, such emission into the building shall be considered an emission into the atmosphere.

(5) Standard Conditions. A gas temperature of 60 degrees Fahrenheit and a gas pressure of 14.7 pounds per square inch absolute. Results of all analyses and tests shall be calculated or reported at this gas temperature and pressure.

b. Smoke. There shall not be discharged into the atmosphere from any source of emission whatsoever any air contaminant for a period or periods aggregating more than three minutes in any one hour which is:

(1) As dark or darker in shade than that designated as No. 2 on the Ringelmann Chart, as published by the United States Bureau of Mines, or its equivalent, or

(2) Of such opacity as to obscure an observer's view to a degree equal to or greater than does smoke described in Paragraph 3 (b)(1) of this standard.

c. Combustion Contaminants. There shall not be discharged into the atmosphere from any single source of emission combustion contaminants (excluding condensed steam) in any state or combination thereof exceeding at the point of discharge 0.3 grains per cubic foot of gas calculated to twelve (12%) percent carbon dioxide (CO<sub>2</sub>) at standard conditions.

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TABLE IV

## MAXIMUM ALLOWABLE DISCHARGE PER HOUR

Process Weight Per Hour, LB.	Allowable Discharge Per Hour, LB.	Process Weight Per Hour, LB.	Allowable Discharge Per Hour, LB.
50	0.24	3,300	5.36
100	0.46	3,400	5.44
150	0.66	3,500	5.52
200	0.852	3,600	5.61
250	1.03	3,700	5.69
300	1.20	3,800	5.77
350	1.35	3,900	5.85
400	1.50	4,000	5.93
450	1.63	4,100	6.01
500	1.77	4,200	6.08
550	1.89	4,300	6.15
600	2.01	4,400	6.22
650	2.12	4,500	6.30
700	2.24	4,600	6.37
750	2.34	4,700	6.45
800	2.43	4,800	6.52
850	2.53	4,900	6.60
900	2.62	5,000	6.67
950	2.72	5,500	7.03
1000	2.80	6,000	7.37
1100	2.97	6,500	7.71
1200	3.12	7,000	8.05
1300	3.26	7,500	8.39
1400	3.40	8,000	8.71
1500	3.54	8,500	9.03
1600	3.66	9,000	9.36
1700	3.79	9,500	9.67
1800	3.91	10,000	10.00
1900	4.03	11,000	10.63
2000	4.14	12,000	11.28
2100	4.24	13,000	11.89
2200	4.34	14,000	12.50
2300	4.44	15,000	13.13
2400	4.55	16,000	13.74
2500	4.64	17,000	14.36
2600	4.74	18,000	14.97
2700	4.84	19,000	15.58
2800	4.92	20,000	16.19
2900	5.02	30,000	22.22
3000	5.10	40,000	28.3
3100	5.18	50,000	34.3
3200	5.27	60,000	40.0

Where process weight falls between figures stated, values of allowable discharge per hour shall be interpolated. Process weight is defined as total weight of raw materials entering process (not weight of finished product). Solid fuels charged are considered as part of process weight but liquid and gaseous fuels and combustion air are not. In continuous operation average rate of feed is used. In batch operation total batch weight divided by operating time of a batch cycle determines process weight per hour.

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D. Particulate Matter.

(1) There shall not be discharged in any one hour from any sources whatsoever, except as provided in 3(c) above, particulate matter, excluding condensed steam, in total quantities in excess of the amount shown in the preceding table.

(2) When the process weight is in excess of sixty thousand pounds per hour, there shall not be discharged in any one hour from any source whatsoever dust or fumes in excess of .066 per cent of the hourly process weight.

e. Threshold Values. There shall not be discharged into the atmosphere any contaminant for which threshold limit values are listed for working atmospheres by the American Conference of Governmental Industrial Hygienists in such quantity that the concentration of the contaminant at ground level at any point beyond the boundary of the property shall at any time exceed the threshold limit.

f. Exceptions. Paragraphs (b), (c), (d), and (e) do not apply to:

(1) Fire set by any officer, employee, or fireman in the course of his official duty, for the purpose of weed abatement, the prevention of fire hazard, or the instruction of public employees in the methods of fire fighting or research relating to the prevention and control of fires.

(2) Agricultural operations in the growing of crops or raising of fowl or animals.

4. Odors.

a. There shall not be discharged or permitted to escape into the atmosphere, odors which shall be offensive to the public or which endanger public comfort, repose, health, or safety.

b. The intensity of offensive odors shall be determined at the property line adjacent to the source in the manner described in "Air Pollution Abatement Manual". Chapter 5, Table III; Manufacturing Chemists' Assn., Washington, D.C., 1951.

5. Electromagnetic Radiation. The following standards shall apply:

a. General: It shall be unlawful to operate or cause to be operated, any planned or intentional source of electromagnetic radiation for such purposes as communication, experimentation, entertainment, broadcasting, heating, navigation, therapy, vehicle velocity measurement, weather survey, aircraft detection, topographical survey, personal pleasure, or any other use directly or indirectly associated with these purposes which does not comply with the then current regulations of the Federal Communications Commission regarding such sources of electromagnetic radiation, except that for all governmental communications facilities, governmental agencies,

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and government-owned plants, the regulations of the Interdepartment Radio Advisory Committee shall take precedence over the regulations of the Federal Communications Commission, regarding such sources of electromagnetic radiation. Further, said operation in compliance with the Federal Communications Commission or the Interdepartment Radio Advisory Committee regulations shall be unlawful if such radiation causes an abnormal degradation in performance of other electromagnetic radiators or electromagnetic receptors of quality and proper design because of proximity, primary field, blanketing, spurious reradiation, harmonic content, modulation, or energy conducted by power or telephone lines. The determination of "abnormal degradation in performance" and "of quality and proper design" shall be made in accordance with good engineering practices as defined in the latest principles and standards of the American Institute of Electrical Engineers, the Institute of Radio Engineers, and the Electronic Industries Association. In case of any conflict between the latest standards and principles of the above groups, the following precedence in the interpretation of the standards and principles shall apply: (1) American Institute of Electrical Engineers, (2) Institute of Radio Engineers, and (3) Electronic Industries Association.

Recognizing the special nature of many of the operations which will be conducted because of the research and educational activities, it shall be unlawful for any person, firm, or corporation to operate or cause to be operated, to maintain or cause to be maintained any planned or intentional source of electromagnetic energy, the radiated power from which exceeds 1000 watts, without the express approval of the Town of Vienna. Further, it is required that any person, firm, or corporation intending to operate or cause to be operated, to maintain or cause to be maintained, any planned or intentional source of electromagnetic energy, the radiated power from which exceeds 10 watts, shall file, at least thirty (30) days prior to such operation, a description of the radiating device and the operating characteristics thereof with the Town of Vienna.

b. Electromagnetic Interference. For the purpose of these regulations, electromagnetic interference shall be defined as electromagnetic disturbances which are generated by the use of electrical equipment other than planned and intentional sources of electromagnetic energy which interfere with the proper operation of electromagnetic receptors of quality and proper designed. It shall be unlawful to operate or cause to be operated any source of electromagnetic interference, the radiation or transmission from which exceeds the maximum values tabulated below:

Section of Electromagnetic Spectrum (from-to)	<u>RADIATED</u>	
	Primary Intended Service	Maximum Field Strength at Edge of Property Containing Interference Source
10 Kilocycles - 100 kc.	Communications Service	500 microvolts/meter

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Section of Electromagnetic Spectrum (from-to)	<u>RADIATED</u> (cont'd)	
	Primary Intended Service	Maximum Field Strength at Edge of Property Containing Interference Source
100 kc. - 535 kc.	Navigational Aids	300 microvolts/meter
535 kc. - 1605 kc.	AM Broadcasting	200 "
1605 kc. - 44 megacycles	Various Communications Service	200 "
44 mc. - 88 mc.	VHF Television	150 "
88 mc. - 174 mc.	Airport Control FM Broadcasting	200 "
174 mc. - 216 mc.	VHF Television	150 "
216 mc. - 580 mc.	Navigational Aids Citizens Radio	250 "
580 mc. - 920 mc.	UHF Television	300 "
920 mc. - 30,000 mc.	Various	500 "

BY TRANSMISSION OR CONDUCTION

Section of Electromagnetic Spectrum (from-to)	Primary Intended Service	Maximum Voltage Measured
		Line to Line or Line to Ground Where Power or Telephone Lines Cross Edge of Property Containing Interference Source
10 Kilocycles - 100 kc.	Communications Service	2.5 Millivolts
100 kc. - 535 kc.	Navigational Aids	1.5 "
535 kc. - 1605 kc.	AM Broadcasting	1.0 "
1605 kc. - 44 Megacycles	Various Communications Service	0.5 "
44 mc. - 88 mc.	VHF Television	0.25 "
88 mc. - 174 mc.	FM Broadcasting Airport Control	1.5 "
174 mc. - 216 mc.	VHF Television	0.15 "
216 mc. - 580 mc.	Navigational Aids Citizens Radio	5.0 "
580 mc. - 920 mc.	UHF Television	20.0 "
920 mc. - 30,000 mc.	Various	150 "

c. Method of Measurement: For the purpose of determining the level of radiated electromagnetic interference, standard field strength measuring techniques shall be employed. The maximum value of the tabulation shall be considered as having been exceeded if at any frequency in the section of the spectrum being measured, the measured field strength exceeds the maximum value tabulated for this spectrum section.

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For purposes of determining the level of electromagnetic interference transmitted or conducted by power or telephone lines, a suitable, tunable, peak reading, radio frequency voltmeter shall be used. This instrument shall by means of appropriate isolation coupling, be alternately connected from line to line and from line to ground during the measurement. The maximum value of the tabulation shall be considered as having been exceeded if at any frequency in the section of the spectrum being measured, the measured peak voltage exceeds the maximum value tabulated for this spectrum section.

6. Fire and Explosion. All activities and all storage of flammable and explosive materials at any point shall be provided with adequate safety and fire fighting devices in accordance with the Fire Prevention Code of Fairfax County.

7. Radioactive Materials. The handling of radioactive materials, the discharge of such materials into air and water, and the disposal of radioactive wastes, shall be in conformance with the regulations of the Atomic Energy Commission as set forth in Title 10, Chapter one, Part 20 - Standards for Protection Against Radiation, as amended; and all applicable regulations of the State of Virginia.

8. Glare and Heat. No direct or sky-reflected glare, whether from floodlights or from high temperature processes such as combustion or welding or otherwise, so as to be visible at the lot line shall be permitted. These regulations shall not apply to signs or floodlighting or parking areas otherwise permitted by this Title. There shall be no emission or transmission of heat or heated air so as to be discernible at the lot line.

9. Non-radioactive Liquid or Solid Wastes. There shall be no discharge at any point into any public or private sewage disposal system or stream, or into the ground, of any liquid or solid materials except in accordance with the regulations of the Town of Vienna, the County of Fairfax, Virginia, and the Water Board of the State of Virginia, as applicable.

General Regulations: See Article 4.

Supplemental Regulations: See Article 18; when the regulations in Article 14 are more restrictive they shall apply.



Article 15CM: Limited Industrial Zone Regulations

The following regulations shall apply to all CM Zones.

18-118

Permitted Uses:

A. All uses permitted in C-2 Zone. A dwelling other than for a watchman or caretaker employed on the premises shall not be permitted. Conditional uses under Section 18-89 are permitted without securing a Use Permit.

B. 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, assembling, or treatment of articles for 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 transistors, coils, condensers, transformers, crystal holders, and the like.

Automobile assembling, painting, upholstering, rebuilding, reconditioning, body and fender works, truck repairing or overhauling.

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

Carpentry and woodworking shops.

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.

Indoor skating arenas.

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

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

Storage buildings and warehousing.

C. Uses to be conducted wholly within a completely enclosed building or within an area enclosed on all sides with a solid wall, painted unless such wall is constructed of brick or stone, or painted solid 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.

Petroleum, retail storage and distribution thereof.

Plumbing yard or storage.

Retail lumber yard.

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

18-119 Conditional Uses: The following uses may also be permitted subject to securing a Use Permit as provided for in Section 18-209.

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.

Concrete mixing plants.

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

Draying, freighting, or trucking yard or terminal.

18-120 Area Requirements. Same as specified for C-2 Zone.

18-121 Yard Requirements.

A. Front Yard: Same as specified for C-2 Zone.

B. Side Yard: None required.

C. Rear Yard: Minimum of ten (10) feet.

18-122 Height Limit. Forty-five (45) feet.

18-123 Accessory Building and Private Parking Area Requirements.  
As specified in Article 17.

18-124 Offstreet Parking Area. As specified in Article 16.

18-125 Nameplates and Signs. As specified in Article 19.

18-126 Site Plan Approval. As required by Article 25.

General Regulations. See Article 4.

Supplemental Regulations. See Article 18.

Article 16Offstreet Parking and Loading Areas

- 18-127 Plot Plan for Parking Area Required. No application for a building permit, use permit, or occupancy permit for a commercial or an industrial building or use in any commercial, transitional 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 offstreet parking purposes in accordance with Section 18-130, together with the exact location and detail drawings of any fence which may be required by other sections of this Chapt; and no use permit or occupancy permit shall be issued unless the required facilities, and fence if required, have been provided in accordance with those shown on the approved plan.
- 18-128 Area Required for One Parking Space. For purposes of computation under this Chapt, one automobile parking space shall be nine (9) feet wide by twenty (20) feet long, exclusive of adequate interior ingress and egress driveways.
- 18-129 Space Allocation for Parking. 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 offstreet parking requirements.
- 18-130 Requirements. Offstreet parking space shall be provided as follows:
- A. Single-family Residential Uses (other than Apartments or Town Houses): Each family unit of any residential building shall be provided, on the same lot, with not less than one permanently constructed and maintained offstreet parking space, such parking space to be connected to a public street by a permanently constructed and maintained driveway.
  - B. Boardinghouse, Guest House, or Tourist Home: Not less than one permanently constructed and maintained offstreet parking space for each guest room contained therein.
  - C. Professional and Real Estate Offices in RM-2 or T Zones: One parking space for each two hundred (200) square feet of area devoted to such use.
  - D. Clubs or Comparable Uses: One parking space for every three hundred (300) square feet of gross floor area in any building used for such a purpose.
  - E. School Auditoriums (public and private), General Auditoriums, and Similar Places of Assembly: At least one parking space for every four seats in such facility or structure.

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- F. Churches or other places of worship: One parking space for every six (6) seats provided in the main sanctuary.
- G. Hospitals and Welfare Institutions: At least one parking space for each eight hundred (800) square feet of gross floor area of the building.
- H. Commercial Buildings: Except as provided for in paragraphs I through N of this Section, at least one parking space for every two hundred (200) square feet of floor area on the first floor, and at least one parking space for every three hundred (300) square feet of upper floor area. Floor area shall not include mechanical equipment space, toilet rooms, stairs, elevators, corridors, and janitor's closets.
- I. Bowling Alleys: Three (3) parking spaces for every alley.
- J. Theatres: Two (2) parking spaces for every five (5) seats.
- K. Indoor Skating Arenas: One (1) parking space for every one hundred (100) square feet.
- L. Industrial Buildings: At least one (1) parking space for every three (3) employees in said building.
- M. Tourist Courts and Hotels: At least one (1) parking space per available rental room.
- N. Furniture Stores: One (1) parking space for every five hundred (500) square feet of total floor area plus one (1) parking space for each employee.
- O. Minute Car Wash Stations: Provision shall be made for twenty-five (25) cars waiting for service.
- P. Town House and Apartment Developments: Every unit shall be provided with at least one and one-half (1 1/2) parking spaces, either within the individual lot area, or in a separate common parking lot within the town house development, to which each unit has convenient, safe and attractive pedestrian access under public easement. Parking spaces located within individual lot areas shall be at the rear of the units which they serve.
- Q. Adequate parking space to park vehicles belonging to and which are a part of the business activity within a building shall be provided and such space shall be in addition to space requirements required by this Chapter.

- 18-131 Location of Parking Facilities. There shall be no parking between the building line and the street line except as provided in Section 18-74B. All automobile parking compounds for commercial and industrial use shall be located on the site or conveniently near, and in no case more than four hundred (400) feet from the principal building or use to which such parking facilities are appurtenant.
- 18-132 Loading Space. Every hospital, institution, commercial or industrial building hereafter erected shall provide indoor or outdoor space for the loading and unloading of goods and materials. Such space shall be at least twenty-five (25) feet in depth; such space if located within a building shall be at least fifteen (15) feet in height; such space also shall have a width of at least fifteen (15) feet for every fifty (50) feet or fraction thereof of building width.
- 18-133 Loading Space in Rear Yard. A required loading space may occupy a required rear yard or any part thereof.
- 18-134 Improvements Applicable to Parking Areas and Loading Spaces. Every parcel of land hereafter used as a private or public parking area, automobile sales area, or loading space shall be developed as follows: Such area shall be paved with an asphalt or concrete surfacing, shall have vehicular entrances and exits with a minimum width at the throat of twenty-five (25) feet and the width at the throat not to exceed thirty-five (35) feet, and shall be provided with bumper guards as deemed necessary by the Director of Public Works in order to protect a building from vehicular bumpers, or a public sidewalk from overhanging bumpers, to prevent vehicles from rolling down embankments or on to adjacent property, or to provide protection against other hazards peculiar to the topography or site development of a particular parcel of ground. Curb stops may be substituted for bumper guards where their use is considered adequate by the Director of Public Works.
- Whenever any such private or public parking lot abuts or adjoins any public street or streets, a landscaping strip at least five (5) feet in width, continuous except for entrances and exits, shall be provided immediately inside the line separating such parking lot from the adjoining street or streets.
- 18-135 Additional Improvements Required. Where offstreet parking areas adjoin a lot in a residential or RTH Zone, or occupy a lot in a transitional use zone, a six (6) foot ornamental fence or masonry wall shall be erected and maintained at least one (1) foot from the side of such lot; provided, however, that

- (a) such wall shall not extend into the front yard required on the lot on which it is located, and that
- (b) any lights used to illuminate said parking area shall not exceed ten (10) feet in height above grade and shall be so arranged and hooded as to confine all direct light rays entirely within the boundary lines of the parking area.

18-136

Additional Improvements. Additional protective conditions may be required in connection with offstreet parking adjacent to residential zones when, in the judgment of the Town Council, such are deemed necessary for the protection, convenience, and quiet of surrounding residential properties.

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Non-availability of Parking Area. At any time that a required parking area shall cease to be available for such use, except as a result of government action, the occupancy or use permit for the principal use to which such parking area is appurtenant shall be revoked and declared null and void, until such time as other acceptable offstreet parking space is provided.

18-137.1

Transitional Parking. In addition to other provisions of Article 16 of this Chapt, the following requirements shall apply without modification to all land used for Transitional Parking pursuant to Section 18-13 of this Chapt, and shall be deemed to constitute conditions of any use permit granted for any such Transitional Parking lot:

(a) No commercial enterprise of any kind shall be established on any part of any Transitional Parking lot.

(b) No fee shall be charged for parking thereon.

(c) No signs of any kind except those necessary for orderly parking shall be erected.

(d) The paved parking area shall be interrupted with landscape planting. For every 3,000 square feet of pavement, there shall be 180 square feet of internal landscape planting of trees and shrubs.

(e) All such Transitional Parking lots shall be screened from all adjacent property in any residential zone by a brick wall, or other ornamental masonry wall of equally acceptable aesthetic quality which does not require painting, erected to a height of at least six (6) feet above grade, located on and running parallel to the boundary of any such Transitional Parking lot.

(f) All Transitional Parking lots shall be cleaned of trash, garbage, and debris at least once each week throughout the year. All grass located in or on such lots shall be mowed at least once each week between May 1 and November 15 of each year and all trimmings removed from paved surfaces. All shrubs shall be kept neatly trimmed. Dead trees and shrubs and deteriorated pavement and masonry shall be replaced as required by the Director of Public Works of the Town of Vienna.

(g) There shall be no repairing, painting, reconstruction or refurbishing of any vehicle, other equipment or materials, nor any dismounting or installation of equipment on any vehicle, other equipment or materials parked or located on any Transitional Parking lot.

(h) No vehicle exceeding 3/4 ton load-carrying capability, and no busses, shall be parked overnight on any Transitional Parking lot.

(i) The owners, operators, lessees, occupants, tenants, persons having care or custody of or using, managing or having control of, and fiduciaries holding title to, or having the care, custody, control or management of the land used for any Transitional Parking lot, or the commercial properties or operations for the benefit of which such Transitional Parking lot use permit is granted, shall jointly and severally be responsible for maintaining and operating such Transitional Parking lot in accordance with the provisions of this Article.

(j) Artificial lighting shall conform to the provisions relating thereto contained in Section 18-69 of this Chapter.

When filing an application for any Transitional Parking lot use permit, the applicant shall submit a site plan showing all details of layout planting, screening, walls, storm drainage, lighting and other relevant features as required by the Director of Public Works of the Town of Vienna.

Conditions, in addition to those required by this Section, necessary for the protection, maintenance of value and quiet enjoyment of surrounding residential properties; and the peaceful, undisturbed use of said surrounding property by its occupants, may be imposed, and the use permit made subject thereto, by the Board of Zoning Appeals of the Town of Vienna.

(k) Upon the failure of any person or persons enumerated in paragraph (i) of this Section to operate or maintain any Transitional Parking lot in compliance with the conditions and specifications set forth in this Section 18-137.1, the Director of Public Works of the Town of Vienna shall cause said parking lot to be brought into conformance with such conditions and specifications and bill the owner of the land for the cost thereof. If such bill not be paid, it shall be added to the Town real estate tax on the land and constitute a lien on such land to the same extent as the real estate tax is a lien. (Amended 3-69)



Article 17Accessory Buildings and Private Parking Areas

- 18-138 One-story Accessory Building, Where to be Located. An accessory building not exceeding one (1) story or fourteen (14) feet in height above average grade may be located only in the rear yard and shall not be closer than five (5) feet to any alley line, and not less than one (1) foot from any side or rear lot line.
- 18-139 Two-story Accessory Building, Where to be Located. A two-story accessory building is permitted provided that no part of it shall exceed the height of the principal building, or be located nearer than ten (10) feet to any lot line.
- 18-140 Accessory Building, Area and Location. An accessory building may occupy not more than thirty percent (30%) of the area of a required rear yard. In residential zones, where any portion of such accessory building is located in the rear of a principal building, it shall be not less than ten (10) feet therefrom; where no portion of such accessory building is located directly in the rear of a principal building, it shall be not less than fifteen (15) feet therefrom, and provided further that the front of the accessory building be no less than ten (10) feet from an extension of the rear wall line of the principal building on the adjacent lots.
- 18-141 Accessory Building on Corner Lot. No accessory building 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.
- 18-142 Accessory Building not to be Used for Dwelling Purposes. No accessory building shall be used for dwelling purposes other than by domestic servants, employed entirely on the premises.
- 18-143 Trailer not an Accessory Building. A trailer is not considered an accessory building, and shall not be used for the display or sale of merchandise or as a dwelling.
- 18-144 Private Parking Area; Where to be Located. A private parking area may occupy any part of a required rear yard. In residential zones, it shall be not less than one (1) foot from any side or rear lot line.
- 18-145 Private Parking Area on Corner Lot. No private parking area on a corner lot shall be constructed beyond the building line of any adjoining lot, not be located nearer than five (5) feet to the side line of such adjoining lot.
- 18-146 Accessory Building or Private Parking Areas for Dwellings in Commercial or Industrial Zones. The location of accessory buildings or parking areas for dwellings erected in commercial or industrial zones shall be the same as required above.

18-147 Private Garage, When not Considered an Accessory Building.  
A private automobile garage having any part of a wall in common with a dwelling is considered a part of a principal building and not an accessory building.

Article 18Supplemental Regulations

- 18-148 The regulations specified elsewhere in this Chapt. shall be subject to the following supplemental regulations as to use, height, area, and other matters.
- 18-149 Single-family Dwelling in a Less Restricted Zone. Any single-family dwelling erected in a less restricted zone insofar as such is permitted shall conform to all regulations in the RS-10 Zone.
- 18-150 Multi-family Dwelling in Commercial or Industrial Zone. Any multi-family dwelling erected in any commercial or industrial zone insofar as such is permitted shall conform to all regulations applying in the RM-2 Zone.
- 18-151 Row Dwellings. Row dwellings as herein defined are prohibited.
- 18-152 Trailers. The use of a trailer for living purposes is hereby prohibited.
- 18-153 Overnight Parking of Commercial Vehicle in Residential Zone. The overnight parking of a commercial vehicle in a residential zone is hereby prohibited except that one commercial vehicle of one-half (1/2) ton capacity or less may be parked or stored in any approved enclosed garage or accessory building on any lot or plot.
- 18-153.1 Derelict Junk Automobiles. In any residential or multi-family zone it shall be unlawful for any person, firm, or corporation to keep, except within a fully-enclosed building or structure, any automobile or automobiles in such condition that it is economically impractical to make them operative. (Amended 1-69)
- 18-153.2 Automobile Graveyards. Automobile graveyards as herein defined are prohibited within the corporate limits of the Town of Vienna. (Amended 1-69)
- 18-154 Display of Merchandise. No merchandise shall be displayed nor any business conducted between the street line and the building line. Where the building housing such business is located to the rear of the building line, storage and display may be conducted but no sales shall be consummated in that area normally used for pedestrian traffic immediately adjacent to any front, side or rear of the building itself provided that such area be limited to a depth of four (4) feet when measured from the building itself and provided further that there shall be maintained at all times for

18-154

Display of Merchandise (cont'd)

pedestrian traffic an area free and clear of any and all obstacles, such area to be at least six (6) feet in width fronting immediately on and extending the full length of all such storage or display area. Notwithstanding the above provision of this Section, no part of any vehicle parking area, driveway, or roadway may be utilized for storage or display of merchandise, nor may access to any phone booth or similar facility provided for public use be obstructed in any way. The provisions of this Section do not apply to the interior of enclosed structures which are constructed in compliance with all applicable ordinances of the Town of Vienna, Virginia.

A waiver of Section 1 above may be obtained for a period not exceeding 30 days by written application to the Town Manager accompanied by such evidence as may be required by the Town Manager to establish that such waiver is necessary to permit for a limited period the sale of holiday or seasonal items or the conduct of activities by recognized charities, religious or service organizations not having an established place of business when to require otherwise would be to impose an undue hardship. (Amended 7-69)

18-155

When Basement Living Quarters May be Maintained. No basement living quarters shall be maintained as a rental unit 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.

18-156

Public Building; Height. Public buildings shall comply with the height limitations established in the zone in which they are located.

18-157

Yard Requirements, Buildings Other than Dwellings; Distances between Principal Buildings. 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 principal 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.

- 18-158 Alley Required between Residential and Non-residential Zones. An alley twenty (20) feet in width shall be required in all commercial and industrial zones which abut on a residential zone.
- 18-159 Obstruction to Vision at Corner, Residential Zone Prohibited. 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 (2) street lines.
- 18-160 Obstruction at Corner, Commercial Zone Prohibited. 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 (2) street lines.
- 18-161 Gasoline Stations; Locations of Pumps and Driveways. 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 have a minimum width at the throat of twenty-five (25) feet and a width at the throat not to exceed thirty-five (35) feet. 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.
- 18-162 Annexed Areas, How Classified. Any area annexed to the Town of Vienna after the effective date of this Chapt. shall, immediately upon such annexation, be classified as having a Town of Vienna zoning most nearly approximating the zoning which it had prior to annexation, until a zoning map for said area has been adopted by the Town Council. The 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.
- 18-163 When Additional Story is Permitted. On any lot, sloping downhill from the street, which has an average ground slope on that portion of the lot to be occupied by the principal buildings of twenty-five (25%) percent or more an additional story may be permitted.
- 18-164 Penthouses and Other Roof Structures Above Permitted Height Limits, when allowed. 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, water tanks, silos, or similar structures

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

- 18-158 Alley Required between Residential and Non-residential Zones. An alley twenty (20) feet in width shall be required in all commercial and industrial zones which abut on a residential zone.
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- 18-163 When Additional Story is Permitted. On any lot, sloping downhill from the street, which has an average ground slope on that portion of the lot to be occupied by the principal buildings of twenty-five (25%) percent or more an additional story may be permitted.
- 18-164 Penthouses and Other Roof Structures Above Permitted Height Limits, when allowed. 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, water tanks, silos, or similar structures

## 18-172 (cont'd)

or multi-family housing use is conducted by the owner, occupant, or developer of said land, one (1) foot inside of any boundary between any such land and land zoned RS-16, RS-12.5 or RS-10. Such ornamental fence or masonry walls shall be shown on all site plans required by Article 25 of this Chapter.

18-172.1 Underground Utility Services. All new customer utilities services, including but not limited to all wires, cables, pipes, conduits and appurtenant equipment, carrying or used in connection with the furnishing of electric power, telephone, telegraph, cable television, petroleum, gas, steam, water or sewer systems, shall, after the effective date of this Section be placed below the surface of the ground; provided that:

(a) Equipment such as electric distribution transformers, switchgear, meter pedestals, and telephone pedestals, which is normally installed above ground in accordance with accepted utility practices for underground distribution systems may be so installed;

(b) Meters, service connections, and similar equipment normally attached to the outside wall of the premises it serves may continue to be so installed; and

(c) Overhead utilities services existing as of the effective date of this Section may be repaired, replaced, or increased in capacity.

All improvements herein required shall be constructed in accordance with accepted standards of utility practice for underground construction.

Whenever relocation of utility facilities is compelled by any construction undertaken by any unit of Government, the provisions of this Section may be waived by the Town Council. (Amended 4-69)

18-173 Home Occupation. In any residential zone a home occupation is permitted, including the use of the home as an office, provided that the occupation complies with all the following conditions:

- A. Is operated in its entirety within the single unit dwelling, and only by the person or persons maintaining a dwelling therein.
- B. Does not display or create outside the building any external evidence of the home occupation, including any method of advertisement other than a dwelling nameplate as permitted in Section 18-185.
- C. Does not utilize more than twenty-five percent (25%) of the gross livable floor area including the basement.

## 18-164 (cont'd)

which are part of the principal building 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. All structures and equipment here permitted (except towers, steeples, and flagpoles) shall be enclosed, the facade of such enclosure to be in harmony with the facade of the principal structure.

- 18-165 Front Yard Requirements, Residential Zones, for Lot Lying Between Two (2) Lots with Dwellings Thereon. In any residential zone any lot lying between two (2) lots immediately adjacent thereto and having dwellings erected upon them at the time of enactment of this Chapt., shall have a front yard equal in depth at least to the average depth of front yards of the lots 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 more than forty (40) feet in depth.
- 18-166 Front and Side Yard Requirements. The front and side yard requirements shall not apply to 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.
- 18-167 How Far Carport May Project into Side Yard. An unenclosed carport may project into a required side yard for a distance not to exceed five (5) feet; provided, however, that any yard on the side street of a corner lot shall not be reduced to less than ten (10) feet in width.
- 18-168 Porches, Projection into Required Yard Area Prohibited. 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.
- 18-169 Bay Windows, Eaves, and Other Architectural Features. 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, steps, and other architectural features, provided such features shall not project more than four (4) feet into any required yard.
- 18-170 Fire Escapes. Open fire escapes shall not extend into any required yard.
- 18-171 Walls, When Setback and Yard Requirements Do not Apply. The setback and yard requirements of this Chapt. shall not apply to any retaining wall which is less than five (5) feet high, nor to any decorative masonry wall which is less than four (4) feet high.
- 18-172 Fence Required Between Certain Zones. A six (6) foot high ornamental fence or masonry wall is required and shall be constructed and maintained on all land zoned C-1, C-1A, C-2, RM-2, RTH, CM or CMP, and on which any industrial, commercial,



## 18-173 (cont'd)

- D. No person is employed other than a member of the immediate family residing on the premises.
- E. Does not use any internal combustion engine as a power source and does not use more than a total of three (3) horsepower in fractional horsepower electric motors (other than is normally used for domestic use).
- F. Will not involve the emission of any sounds, odors, or smoke beyond the property line in excess of normal single unit dwelling use.
- G. No commodity will be sold on the premises.
- H. Any service involving the presence of customers or clients on the premises will be operated on an appointment basis only.
- I. Will not constitute a nuisance because of sidewalk or street traffic.
- J. Said use will not tend to affect adversely the use and development of adjoining properties in the immediate neighborhood.
- K. No equipment or merchandise shall be stored on the premises.
- L. No commercial deliveries shall be made either to or from the premises requiring the use of vehicles in excess of one-half (1/2) ton capacity and no commercial deliveries shall be made either to or from the premises before 8:00 A.M and after 6:00 P.M.

A boarding house, tourist home, or principal office of a real estate business shall not be deemed a home occupation.

Article 19Name Plates and SignsGeneral Provisions

- 18-174 Permit Required. A permit is required to erect, repair, repaper, repaint, alter in any major respect, or move any sign over one and one-half (1 1/2) square feet in area, except signs advertising real estate for sale or rent. Sign permits shall be issued by the Zoning Administrator.
- 18-175 Fee. The fee charged for the processing of each sign permit shall be as shown on the Schedule of Fees adopted by the Town Council.
- 18-176 Area of Signs. 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.
- 18-177 Plan of Sign to Accompany Application for Permit. 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.
- 18-178 Signs on Roof Prohibited. Signs of any type shall not be erected upon the roof of any building.
- 18-179 Billboards Prohibited. Billboards are hereby prohibited in the Town of Vienna.
- 18-180 Moving or Rotating Signs and Pennants, Banners, Streamers, etc., Prohibited. Signs which involve motion or rotation of any part or display flashing or intermittent lights are prohibited. Standards, banners, flags, streamers and similar devices used for advertising purposes are also prohibited, provided; that non-profit civic, religious and community service organizations, and units of government, may at the discretion of the Town Manager, be permitted the temporary use of such devices in locations, under such conditions, in such manner and of such description as the Town Manager may prescribe. (Amended 2-69)
- 18-181 Awnings and Canopies. No part of any awning shall be less than seven (7) feet above the sidewalk level, nor shall any awning be less than one (1) foot to the curb line. Architectural canopies may project forty-two (42) inches above any building.
- 18-182 Signs for Nonconforming Buildings. Signs for nonconforming 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.

- 18-183 Exceptions Not Allowed. No name plate or sign shall be permitted in any residential, commercial, or industrial zone of any character other than as specified in this Chapter.
- 18-184 Signs Erected Prior to This Chapt. No sign erected before the adoption of this Chapt. shall be repaired, repapered, repainted, altered in any major respect, or moved unless it be brought under compliance with the provisions of this Chapter.

Residential Zones

- 18-185 Name Plate for Dwelling Unit. One (1) name plate for each dwelling unit shall be permitted not exceeding one and one-half (1 1/2) square feet in area. Such sign may be at but not project over any street line.
- 18-186 Sign Permitted for Buildings Other Than Dwellings. One (1) identification sign not exceeding twelve (12) square feet in area for buildings other than dwellings or business is permitted provided same shall be attached to and parallel with the front wall of the building.
- 18-187 Bulletin Boards. One (1) white-lighted bulletin board is permitted, not exceeding eighteen (18) square feet in area for non-profit organizations.
- 18-188 For Sale or For Rent Signs. One (1) unlighted sign will be permitted to advertise property for sale or for rent provided such sign is located on the property to which it pertains and provided the total area of such sign does not exceed six (6) square feet.
- 18-189 Special Provisions Relating to RM-2 Multi-Family Zones. The following signs are also permitted in the RM-2 Zone:
- A. One (1) identification sign not to exceed three (3) square feet for boarding and rooming houses.
- B. 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.
- 18-190 Signs Not Attached to Wall of Building, Setback Requirement. All signs, except as otherwise provided herein under Sections 18-185 to 18-191 that are not attached to the wall of a building shall be set back fifteen (15) feet from the street line.
- 18-191 Temporary Signs. A temporary real estate sign and signs of a public and semi-public 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 seventy-five (75) feet from any dwelling. No such temporary permit shall be granted

18-191 (cont.)

18-191 unless a twenty-five (\$25.00) dollar bond has been posted. All temporary real estate signs and public and semi-public signs shall be dismantled within five (5) days after expiration date of the temporary permit.

A. Temporary Signs of a public or semi-public nature pertaining to Elections. Three (3) temporary signs not exceeding twelve (12) square feet total may be posted on residential property, after securing the necessary permits and posting of a twenty-five (\$25.00) dollar bond, for a period of thirty (30) days prior to election day and shall be removed not more than five (5) days after election day. Failure to remove signs within period of time provided shall constitute forfeiture of all bonds posted, and all material will become property of the Town.

#### Transitional Zones

18-192 Each business located in a transitional zone shall be permitted an identification sign not exceeding two (2) square feet in area which shall be attached to and parallel with the front wall of the building in which the business is located. Where more than one business is located in a single building, all such identification signs shall be of the same style and size and mounted in a closely spaced group which shall not exceed eight (8) square feet in total area. No such identification sign or group of signs or any other external feature of any building or facility shall be electrically illuminated, directly or indirectly, by any device which consumes more than one-hundred (100) watts of electric power. All such illumination shall be shielded against reflection or direct radiation into adjacent residential zones.

#### Commercial and Industrial Zones

18-193 Permitted Name Plates and Signs. All name plates and signs permitted in Sections 18-185 to 18-191 are permitted in commercial and industrial zones.

18-194 Sign Area. A total limit of two (2) square feet of sign area is permitted for each lineal foot of commercial or industrial building frontage.

18-195 Exterior Signs.

A. 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

## 18-195 (cont'd)

a rear wall of a building so that it is visible in a residential zone except as permitted in Sections 18-195C and 18-195D.

B. All exterior signs attached to a building shall be flat against the building and parallel with its horizontal dimension.

C. 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.

D. 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 above the roof line may project three (3) feet above the roof line but not exceed four and one-half (4 1/2) 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.

18-196 Free-standing Suspended Signs. Signs not attached to any building shall not project over the property line and the bottom of such sign shall not be less than nine (9) feet above the finished grade at its base, except that a free standing sign may be placed lower than nine (9) feet if such sign is placed on a landscaping strip, and it is determined by the Zoning Administrator that it does not interfere with pedestrian traffic or traffic vision. One free standing sign not to exceed thirty-six (36) square feet in area shall be permitted for each separate building or buildings located in a commercial or industrial zone, except that in a shopping center only one free standing sign shall be permitted, such a sign to be for the joint use of all business units therein or for the purpose of identifying the shopping center. The area of such signs permitted to be, but not to exceed one hundred (100) square feet. The greatest height to which any free standing sign shall extend shall not exceed that of the roof line of the building nearest to the location of the sign, or twenty (20) feet whichever height is the lesser of the two.

Article 20

Nonconforming Buildings and Uses

- 18-197 Continuance of Nonconforming Buildings. Any nonconforming building or structure may be continued only so long as such building or structure is maintained in the same structural condition as it was in at the time of the enactment of this Zoning Ordinance.
- 18-198 Enlargements, etc. of Nonconforming Buildings. A nonconforming building or structure shall not be enlarged, extended, reconstructed or structurally altered in any manner unless such building or structure is made to conform to all the regulations of the zone in which located.
- 18-199 Repairs to Nonconforming Buildings. Repairs may be made to a nonconforming building or structure, provided that no structural alteration shall be made except as may be required by law or ordinance.
- 18-200 Restoration of Nonconforming Buildings Damaged or Partially Destroyed. Any nonconforming 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%) percent of its value exclusive of foundations at that time, may be restored provided that such restoration is started within a period of one (1) year and is diligently prosecuted to completion.
- 18-201 Restoration When Damage Exceeds 50% of Value. In the event such damage or destruction exceeds fifty (50%) percent of the value exclusive of foundations of such nonconforming 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. Restoration of nonconforming structures having historical or cultural value, to their original state, may be permitted.
- 18-202 Moving of Nonconforming Buildings. No nonconforming 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.
- 18-203 Nonconformance Caused by Government Action or Dedication. The provisions of this Article shall not apply to those cases where the requirements of this Chapt. pertaining to yard setbacks, minimum lot areas, minimum lot dimensions, building line restrictions, and parking, cannot be met:

A. By reason of either the lawful action of a Federal, State or Local Government in acquiring lands for roads or other public purposes, or

B. By the dedication of land by the owner thereof which is duly accepted by the appropriate Government for public benefit and use.

Provided, however, that the requirements of this Chapt. had been or could have been met prior to such government action or dedication.

Provided further that such dedication or acquisition for public use shall not be deemed to authorize any subsequent increased or additional departure from the strict application of all other provisions of this Chapter.

Provided further that the nonconformance with the requirements of this Chapt. pertaining to yard setbacks, minimum lot areas, minimum lot dimensions, building line restrictions, and parking is caused by dedication for the purpose of widening existing streets and dedicated rights of way only and not by dedication of partial or total right of way requirements for proposed streets within a proposed subdivision.

- 18-204 Continuance of Nonconforming Use of Buildings. The nonconforming use of a building or structure may be continued only so long as the same use which existed at the time of the enactment of this Zoning Ordinance or a more restricted use continues, and such use is not discontinued for more than two (2) years.
- 18-205 Change of Use. Where a nonconforming use is changed to a use of a more restricted classification it shall not thereafter be changed to a use of a less restricted classification.
- 18-206 Termination of Nonconforming Uses. Whenever any nonconforming building or structure is enlarged, extended, reconstructed or structurally altered, so as to become a conforming building, the use thereafter occupying such building or structure shall conform to the regulations of this Zoning Ordinance.
- 18-207 Extension of Use. A nonconforming use of a conforming building or structure shall not be enlarged or extended into any other portion of such conforming building or structure nor changed except to a conforming use.
- 18-208 Continuance of Nonconforming Use of Land. The nonconforming use of land may be continued only so long as the same use which existed at the time of the enactment of this Zoning Ordinance or a more restricted use continues, and such use is not discontinued for more than two (2) years; provided that no such nonconforming use of land shall in any way be enlarged or extended either on the same or adjoining property.

Article 21Conditional Use Permits

18-209 Use Permit Subject to Certain Conditions. The Board of Zoning Appeals may issue a use permit for any of the uses enumerated in Section 18-210 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 Plan of the Town of Vienna. In granting any use permit the Board of Zoning Appeals may impose such conditions in connection therewith as will assure that the use will conform to the foregoing requirements and that it will continue to do so, and may require a guarantee or bond to insure that the conditions imposed are being and will continue to be complied with.

18-210 Use Permits Required. A use permit is required for any of the following uses. (See regulations for Zone in which the use is proposed to be located):

- A. Amusement enterprises, if conducted wholly within an enclosed building
- B. Auditoriums and halls
- C. Auto sales
- D. Bowling alley
- E. Carpenter or general woodworking shop (excluding outdoor storage)
- F. Cemeteries
- G. Colleges and Schools (Private, Elementary, and High) of a non-commercial nature
- H. Concrete mixing plants
- I. Contractor's equipment storage yard or plant, or rental of equipment commonly used by contractors
- J. Draying, freighting, or trucking yard or terminal
- K. Farm or gardening implement, sales, and service
- L. Feed and fuel yard
- M. Funeral Homes



- N. 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.)
- O. Hospitals, sanitariums, and clinics which are an integral part of such hospitals and sanitariums; clinics which are not an integral part of such hospitals or sanitariums, animal hospitals, and facilities for treating contagious diseases, mental disorders, and drug or liquor addict cases are not permitted.
- P. Hotel.
- Q. Institutional home and institutions of an educational or philanthropic nature, except those of a correctional nature or for mental cases.
- R. Nursery and kindergarten schools (private).
- S. Outdoor amusement enterprises.
- T. Pet Shop.
- U. Plumbing yard or storage.
- V. Office of a physician or dentist and medical or dental clinics or laboratories operated in conjunction with such office.
- W. Public buildings and uses.
- X. Public parking area in transitional use.
- Y. Public parks, playgrounds, and other recreational uses.
- Z. Public utilities, as defined and regulated in Section 18-13.
- AA. Taxi-stand (only private property).
- BB. Theatre, indoor or outdoor.
- CC. Tourist court and hotel.
- DD. 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.
- EE. Transitional Parking lots. (Amended 3-69)

Application for Use Permit. Written application for a conditional use permit may be made by any property owner, tenant, government office, department, board or bureau. Such application shall be made to the Zoning Administrator and shall ac-

18-211 (cont'd)

company an application for a building permit, whenever the proposed building or structure will be or may be used for any of the uses enumerated in Section 18-210. The Zoning Administrator shall also transmit a copy of the application to the Planning Commission, and a copy of the application and site plan to the Architectural Review Board, which Commission and Board shall send a recommendation to the Board of Zoning Appeals within thirty (30) days or appear as a party at the hearing. (Amended 3-69)

18-212 Fee. Every application for a use permit shall be accompanied by a check or cash payment to the Town of Vienna in the amount set forth in the Schedule of Fees adopted by the Town which shall be applied to the cost of advertising and other expenses incidental to reviewing, publishing, and reporting the fact.

18-213 Advertising and Posting Required. Each application for a use permit shall be advertised once a week for two (2) successive weeks in a newspaper having a paid general circulation in the Town of Vienna. Notice of such application shall also be posted on a placard for two (2) consecutive weeks on the property to which it pertains.

18-214 Notice and Public Hearing. The Board of Zoning Appeals shall hold a public hearing on each application for a use permit not less than five (5) days nor more than ten (10) days after final publication. Written notice, by registered mail, of the time and place of such hearing shall be given to the applicant at least ten (10) days before the time of said hearing.

18-215 Decision of Board. The decision of the Board on an application for a use permit shall be made within sixty (60) days after the hearing thereon.

18-216 Permit Void after Six (6) Months if Operation not Commenced. Any use permit shall become void six (6) months after issuance if construction or operation related thereto has not commenced.

Article 22Administration and Enforcement

- 18-217 Administrative Official. Except as otherwise provided in this Chapt., the Zoning Administrator shall administer and enforce this Ordinance, including the receiving of applications, the inspection of premises, the issuing of building and occupancy permits and the determining of precise zone boundaries according to Section 18-6 of this Chapt. No building permit or certificate of occupancy shall be issued by him except where the provisions of this Ordinance have been complied with.
- In case any building is erected, constructed, reconstructed, altered, repaired or converted or any land used in violation of this Chapt., the Zoning Administrator is authorized and directed to institute appropriate action to put an end to such violation.
- 18-218 Building Permit Required. No excavation shall be commenced, no wall, fence, structure, premises, or land used, no building or part thereof 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 obtained from the Zoning Administrator in accordance with the provisions of this Chapt., and said permit has been posted at the building site in plain view from the street.
- 18-219 Land Subject to Flooding or Erosion. No permit shall be issued for the erection of any permanent structure intended for residential, commercial or industrial use, nor shall any structure be erected, on land in such proximity and relative elevation to any 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.
- 18-220 Application for Building Permit. All applications for building permits (except interior remodeling) shall be accompanied by accurate plot plans in triplicate, prepared by a registered engineer or certified land surveyor, 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, zoning, lot area and gross ground floor area;
  - 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;

## 18-220 (cont'd)

D. Location, dimensions, and proposed use of buildings and other structures for which permit is requested;

E. front, side, and rear yard dimensions;

F. north direction 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 Chapter.

18-221 Certificate of Occupancy, When Required. A Certificate of Occupancy shall be required for any of the following:

A. occupancy and use of a building hereafter erected or structurally altered;

B. any change in use of an existing building;

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 nonconforming use.

18-222 Occupancy, Use, and Change of Use Prohibited Until Certificate of Occupancy Obtained. 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 Chapt. 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 filed with the Zoning Administrator at the same time as the application for the building permit for such building. Upon completion of the erection or alteration of a building or part thereof, the applicant for such certificate may request the Zoning Administrator to issue the certificate. The Zoning Administrator shall issue the Certificate of Occupancy within ten (10) days of the receipt of the written request for issuance thereof provided there has been full compliance with the provisions of this Chapter.

18-223 Required Approval for Erection and Occupancy of New Buildings. The following approvals shall be obtained for erection and occupancy of new buildings:

A. Initial Approval. No permit for the erection of any building shall be issued until the application therefor has been submitted to and approved by the Zoning Administrator. If approval by any officer, body or agency of the Town is required (other than that of the building inspector), the Zoning Administrator shall not approve the application until after such approval has been obtained.

B. Intermediate Approval. The erection of a building shall not proceed beyond the corners of a concrete slab or the placement of the corners of the foundation, whichever is applicable in establishing the exact location of all corners of the said building, until such location, as indicated by a certified land surveyor's plat thereof, has been submitted to and approved by the Zoning Administrator as conforming to all applicable provisions of this Article. (Amended 9-68)

C. Final Approval. No certificate of occupancy for any new building shall be issued, until the exact location of the completed building and of all appurtenances thereto, as indicated by a certified land surveyor's plat showing every constructed feature on the lot, including driveways and automobile parking areas and showing the composition of the surfacing of such driveways and automobile parking areas, has been submitted to and approved by the Zoning Administrator, as conforming to all applicable provisions of this Article,

D. Approval of location of completed buildings, etc. No certificate of occupancy for any one-family dwelling shall be issued until the exact location of the completed building and any accessory buildings, as shown on a certified land surveyor's plat, has been submitted to and approved by the Zoning Administrator, as conforming to all applicable provisions of this Article.

- 18-224 Certificate of Occupancy, When Change of Use Involved. Written application for a Certificate of Occupancy for a change in the use of land, or of a building, or for a change in a nonconforming use, as herein provided, shall be made to the Zoning Administrator. The same procedure is required as specified in Sections 18-222, and 18-226, except that no building permit is involved.
- 18-225 Certificate of Occupancy, Statements Required. 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.
- 18-226 Fees. The fees for any permit required by this Ordinance shall be paid to the Town of Vienna as set forth in the Schedule of Fees adopted by the Town Council.
- 18-227 Application for Building Permit and Certificate of Occupancy Unacceptable Unless All Required Information Furnished. 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.

- 18-228 Building Permit and Certificate of Occupancy Void After Six Months If Operation Not Commenced. Construction or operation shall be commenced within six (6) months of date of issuance or said building permit or Certificate of Occupancy become void.
- 18-229 Violation to Act Without Permit or Certificate of Occupancy When One Required; False Statement in Material Matter Voids Permit. It shall constitute a violation of this Chapt. for any person, firm, or corporation, whether owner, agent, or occupant to do any of the things for which a permit or Certificate of Occupancy is required by this Chapt. without having first obtained the said permit or certificate; and any permit or certificate 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 permit or certificate by notice in writing to be delivered to the holder of the void permit or certificate upon the premises where the violation has occurred, or if such holder by 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 or certificate in accordance with this Chapt, shall be deemed guilty of violation thereof. Any applicant for a building permit and certificate of occupancy, required by this Article, who, prior to the issuance of a certificate of occupancy, conveys, uses or occupies, or permits or suffers the use, conveyance or occupancy, of the premises for which such building permit is issued, shall be guilty of violation of this Chapter. (Amended 9/69)

Article 23Board of Zoning Appeals

- 18-230 Continuation of Existing Board. The Board of Zoning Appeals heretofore established shall continue as the Board of Zoning Appeals under the provisions of this Chapter.
- 18-231 Membership. The Board of Zoning Appeals shall consist of five (5) residents of the Town of Vienna, appointed by the Circuit Court of Fairfax County upon recommendation of the Town Council, for a term of five (5) years. Appointments to fill vacancies shall be only for the unexpired portion of the term. Any Board member may be removed for malfeasance, misfeasance or nonfeasance, in office, or for other just cause, by the Court which appointed him. Members of the Board shall hold no other public office in the Town except that one may be a member of the Planning Commission. A member whose term expires shall continue to serve until his successor is appointed and qualifies.
- 18-232 Appeals. The Board of Appeals is authorized to hear and decide appeals from any order, requirement, decision or determination made by the Zoning Administrator or other administrative officer in the administration or enforcement of this Chapter.
- 18-233 Variances. The Board of Appeals shall have the power to authorize, upon appeal in specific cases, such variance from the terms of this Chapt. as will not be contrary to the public interest, when owing to special conditions a literal enforcement of the provisions will result in unnecessary hardship; provided that the spirit of this Chapt. shall be observed and substantial justice done, as follows:
- A. When a property owner can show that his property was acquired in good faith and,
- (1) where by reason of the exceptional narrowness, shallowness, size or shape of a specific piece of property at the time of the effective date of this Chapt, or
  - (2) where by reason of exceptional topographic conditions or other extraordinary situation or condition of such piece of property, or of the use or development of property immediately adjacent thereto, the strict application of the terms of this Chapt. would effectively prohibit or unreasonably restrict the use of the property, or
  - (3) where the Board is satisfied, upon evidence heard by it, that the granting of such variance will alleviate a clearly demonstrated hardship approaching confiscation, as distinguished from a special privilege or convenience sought by the applicant,

provided that all variances shall be in harmony with the spirit and purpose of this Chapter.

B. No such variance shall be authorized by the Board unless it finds that:

(1) the strict application of this Chapt. would produce undue hardship.

(2) such hardship is not shared generally by other properties in the same zoning district and the same vicinity.

(3) the authorization of such variance will not be of substantial detriment to adjacent property and that the character of the district will not be changed by the granting of the variance.

(4) the condition or situation of the property concerned or the intended use of the property is not of so general or recurring a nature as to make reasonably practicable the formulation of a general regulation to be adopted as an amendment to this Chapter.

C. In authorizing a variance the Board may impose such conditions regarding the location, character, and other features of the proposed structure or use as it may deem necessary in the public interest and, may require a guarantee or bond to insure that the conditions imposed are being and will continue to be complied with.

- 18-234 Variances; Notice and Hearing. With respect to an appeal for a variance the Board shall hold a public hearing and give notice of the time and place thereof as prescribed in Sections 18-213 and 18-214 of this Chapter.
- 18-235 Variance Valid for Six (6) Months. Any variance authorized by the Board to permit the erection or alteration of a building or structure shall be valid only for 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.
- 18-236 Applications for Conditional Use Permits. The Board of Appeals is authorized to hear and decide applications for those use permits enumerated in Section 18-210 of this Chapter.
- 18-237 Interpretation of Zoning Map. The Board is authorized to hear and decide applications for interpretation of the Zoning Map where there is any uncertainty as to the location of a district boundary. The Board may interpret the map in such way as to carry out the intent and purpose of the ordinance for the particular section or district in question.



The Board shall not have the power, however, to re-zone property or substantially to change the locations of district boundaries as established by this Chapt., or to change the locations of Zone boundaries as established by the Zoning Map.

- 18-238 Interpretation of Zoning Map, Notice and Hearing. With respect to an application for interpretation of the Zoning Map as provided above, the Board shall hold a public hearing and give notice of the time and place thereof as prescribed in Sections 18-213 and 18-214 of this Chapter.

Procedure

- 18-239 Appeals. An appeal to the Board may be taken by any person aggrieved or by any official of the Town affected by any decision of the Zoning Administrator. Such appeal shall be taken within thirty (30) days after the decision appealed from by filing with the Zoning Administrator, and with the Board, a notice of appeal specifying the grounds thereof. The Zoning Administrator shall forthwith transmit to the Board all the papers constituting the record upon which the action appealed from was taken.
- 18-240 Notice and Hearing. The Board shall hold a public hearing of an appeal, give public notice of the time and place thereof as well as due notice to the parties in interest as prescribed in Sections 18-213 and 18-214 of this Chapter.
- 18-241 Decisions of Board. In all cases coming before the Board of Zoning Appeals, decisions shall be made within sixty (60) days after the hearing thereon. The board may reverse or affirm, wholly or partly, or may modify, the order, requirement, decision or determination appealed from. The concurring vote of three members shall be necessary to reverse any order, requirement, decision or determination of an administrative officer or to decide in favor of the applicant on any matter upon which it is required to pass under this Chapt. or to effect any variance thereof. The Board shall keep minutes of its proceedings and other official actions which shall be filed in the office of the Board and shall be public record. The chairman of the Board, or in his absence the acting chairman, may administer oaths and compel the attendance of witnesses.
- 18-242 Fee Required. Every notice of appeal shall be accompanied by a check or cash payment to the Town of Vienna in the amount set forth in the Schedule of Fees adopted by the Town, which shall be applied to the cost of advertising and expense incidental to reviewing and publishing the facts. In addition the Board may require the applicant to pay for the recording of the proceedings.

Article 24Rezoning and Amendments18-243 Amendments.

The Town Council may, from time to time, amend, supplement, or change the provisions of this Chapt., zone boundaries, or rezone property. Before taking any action on any proposed amendment, supplement, change, or rezoning, which has been initiated by itself or a property owner, the Town Council shall submit the same to the Planning Commission for its recommendation and report.

18-244 Rezoning (Changes to the Zoning Map).

An application for rezoning of property may be made by the owner, contract owner or optionee of the property which is proposed to be rezoned which shall be submitted to the Town Council on a standard form, accompanied by a plat by a certified surveyor and the fee specified in the Schedule of Fees adopted by the Town. Such plat shall show the boundaries of the land for which rezoning is requested, the boundaries of all contiguous land in which the applicant has any interest and all abutting streets and alleys. In addition, the applicant shall furnish to the Council a map showing the location of the applicant's land, the zoning classification of all abutting land and land lying on the opposite sides of streets and alleys abutting the land for which rezoning is requested and such other information as may be required by the Planning Commission and Council to properly evaluate the application. All such plats and maps shall be current at the time the application is filed.

18-245 Reapplication for Rezoning.

No application for any change to the same or a less 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.

18-246 Planning Commission Notice and Hearing.

The Planning Commission shall hold a public hearing on the proposed amendment, supplement, change, or rezoning referred to it by the Town Council for its recommendation. Notice of public hearings before the Commission shall be given by publishing the time, place, and notice of the hearing once a week for two successive weeks in a newspaper having a paid general circulation in the Town of Vienna. The public hearing shall be held not less than five (5) nor more than twenty-one (21) days after final publication. (Amended 11-68)

In addition, in cases where property is proposed for rezoning, the Commission shall cause the property concerned to be posted at least ten (10) days prior to the date of the hearing before said Commission. When the proposed rezoning is initiated

## 18-246 (cont.)

by the Town Council on its own motion and involves twenty-five (25) or fewer parcels of land, written notice by registered mail shall be given at least five (5) days before the hearing to the owner or owners, their agent or the occupant, of each parcel involved, and to the owners, their agent or occupant of all abutting property and property immediately across the street or road from the property affected. (Amended 4-69)

After the public hearing, the Planning Commission shall submit its recommendations to the Town Council.

## 18 -247

Town Council to Give Notice and Hold Hearing.

Before considering any proposed amendment, supplement, change, or rezoning, the Town Council shall hold a public hearing thereon, notice of said hearing to be accomplished as prescribed in Section 18-246 above. The Planning Commission and Council may hold a joint public hearing after the public notice as set forth herein above. If such joint hearing is held, then public notice as set forth above need be given only by the Council. (Amended 11-68)

## 18 -248

Protest Against Proposed Change.

In case of a protest against any change of zone boundaries or rezoning of property signed by twenty (20%) percent, or more, of any one of the following groups: (1) the owners of lots included within the area of the proposed change, or (2) the owners of lots abutting the area included in such proposed change, or (3) the owners of lots directly opposite the area included in such proposed change, where such area abuts upon a street, then such change shall not become effective except by the favorable vote of six-sevenths (6/7) of all the Town Council.

## 18 -249

Basis for Determination.

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

Article 25Site Plan Control Provisions

- 18-250 Statement of Purpose. It is the purpose of this article to regulate orderly and attractive development of commercial, town house, multi-family and limited industrial land uses within the Town of Vienna, to conserve property values, to preserve adequate space for the accommodation of transportation facilities usually associated with such uses, and to avoid traffic congestion. It is the further purpose of this Article to recognize, in the planning of specific land uses, the densities and uses of adjacent land and the health, safety, morals, appearance and general welfare of the community. In order to achieve the aforementioned objectives, and to encourage imaginative use of land areas, certain modifications of the strict requirements of this Chapt. are provided for where deemed by the Town Council, after seeking the recommendation of the Planning Commission, to be in the public interest.
- 18-251 Where Applicable. To the alteration or construction of any building located in a C-1, C-1A, C-2, CM, CMP, T, RTH, or RM-2 Zone.
- 18-252 Site Plan Specifications. Any person, corporation, firm or other organization or association, shall, prior to or at the time of filing application for a building permit to erect or alter any structure in a C-1, C-1A, C-2, CM, CMP, T, RTH, or RM-2 Zone, submit for approval to the Director of Public Works of the Town of Vienna a Site Plan prepared by a registered architect, registered engineer or certified land surveyor authorized by the State of Virginia to practice as such. Such plan shall include the following data:
- A. 1. Location of all existing and proposed buildings and structures.
  2. Boundary of the entire tract by courses and distances.
  3. Area of the tract.
  4. Zone of the tract.
  5. Present record owner of the tract.
  6. Owner, zone and present use of all contiguous property.
  7. Width of all streets adjoining the tract (both right of way and pavement widths).
  8. Location of existing edge of pavement or curbs.
  9. Location of existing easements and underground facilities, proposed easements and buildings and their dimensions.
  10. Number of floors, floor area and use of each building and height of each building.
  11. A schedule showing compliance with the parking requirements of this Chapter.
  12. All offstreet automobile parking space and type of surfacing (indicating size of stalls and width of aisles).

## 18-252 (cont'd)

13. All off-street loading spaces (indicating sizes).
  14. Location of any poles, fire hydrants, retaining walls, pump islands, signs, doorways, window wells, guy wires or other structures which might interfere with automobile parking or maneuvering.
  15. The location and type of entrances and driveways which shall conform to the State Department of Highways and Town standards and specifications.
  16. Location of all curbs to be constructed and specify type.
  17. Location and width of all sidewalks.
  18. Fencing and walls to be erected; type, height and location.
  19. Landscape planting shall be clearly identified by appropriate symbols, showing location, type and size of all existing trees left in place; the location, type and size of trees, shrubbery and screening to be planted. (Amended 4-68)
  20. Topography, existing and proposed (indicating areas of major grading and slopes to be maintained).
  21. Disposition of storm water drainage (indicating all pipe sizes, types and grade elevations).
  22. All sanitary sewerage facilities, indication pipe size, type and grades and where connection is to be made to the Town system.
  23. Name of architect, engineer or surveyor preparing site plan.
- B. All information required by Section 17-14 and 17-15(a) through 17-15(o) of this Code where applicable.
- C. An architectural rendering and plans of all proposed buildings and structures showing style of architecture shall be prepared by a registered architect. All colors, materials and finishes shall be shown by notation or by use of accepted architectural symbols.
- D. A tabulation listing the site plan specifications as they compare to minimum zoning requirements shall be furnished with each copy of the site plan. (Amended 4-68)

18-253 Site Plan to Conform with Code. All features and elements of the Site Plan required by this Article shall in all respects conform to all applicable provisions of the Code of Virginia and the Code of the Town of Vienna.

18-254 Building Permit and Occupancy Permit, Issuance Requirements. No building permit for any development or building subject to the provisions of this Article shall be issued until the Site Plan required by this Article shall have been approved by the Director of Public Works. No occupancy permit for any development or building subject to the provisions of this Article shall be issued until the Director of Public Works and the Zoning Administrator of the Town of Vienna shall have found, after an on-site inspection, that such development or building is complete and conforms in all material respects to the approved Site Plan.

18-254.1 Site Location on Corner Lots. Where any person, corporation, firm or other organization or association which proposes the location of a residential building on a corner lot wherein the actual front of said building shall not also be the legal front of said lot as defined in Section 18-4, then such building location shall not be approved by the Director of Public Works; provided, however, that an application for a variance to the provisions of this section may be immediately made to the Board of Zoning Appeals in accordance with Section 18-233, which Board shall, if a variance is granted, designate the legal front of said lot. (Amended 1-67)

18-255 Factors to be Considered by the Director of Public Works. In passing on any site plan, the Director of Public Works shall consider:

A. The location and design of driveways providing vehicular ingress to and egress from the site, in relation to streets giving access to the site and in relation to pedestrian traffic.

B. The traffic circulation features within the site and the location of automobile parking areas. The Director of Public Works of the Town of Vienna may make such requirements with respect to any of such matters as will assure:

1. Safety and convenience of both vehicular and pedestrian traffic, both within the site and in relation to access streets.
2. Satisfactory and harmonious relations between the development on the site and the existing and prospective development of contiguous land and adjacent neighborhoods.

C. All in furtherance of the purposes of this Chapt. the Director of Public Works may require landscaping, fences, sidewalks, curb and gutter, storm drainage facilities and walls in pursuance of these objectives, and the same shall be provided and maintained as a condition of the establishment and the continued maintenance of any use to which they are appurtenant.

18-256 Modification of Requirements. Where an applicant for a building permit subject to the requirements of this Article can demonstrate to the Council that the most practical, efficient or aesthetic development of the site involved cannot be achieved within the requirements of this Chapt. the Council, after receiving the recommendation of the Planning Commission, or not less than thirty (30) days after requesting such recommendation in writing, may modify such requirements upon a finding that the integrity of this Chapt. and the health, safety, and morals of the Town will not be thereby impaired. Such modifications may apply to yard, lot area, lot coverage, parking, number of units, unit floor area, fencing, frontage, and similar requirements, but this Section shall not be construed to permit any modification of the uses permitted in any zone or of the maximum building height permitted for any building.

18-257 Procedure for Requesting Modification. Requests for modifications authorized under Section 18-7A.7 shall be submitted to the Director of Public Works of the Town of Vienna in writing and shall be accompanied by a written statement setting forth the reasons therefor. Each such request shall also be accompanied by a Site Plan, including thereon all of the information required by this Article shown to indicate the development as modified or building as it is proposed for construction by the applicant. The granting or denial of any such modification shall be discretionary with the Council and

18-257 (cont.)

this Article shall not be deemed to create any right to any such modification.

Approval by the Town Council of any such modified Site Plan, shall constitute authority for the Director of Public Works of the Town of Vienna to issue the necessary building permits therefor, provided other applicable provisions of law have been complied with.

Article 26Penalties18-258 Penalties.

Any person, firm or corporation who violates any of the provisions of this Chapt. shall be guilty of a misdemeanor, punishable by a fine of not less than ten ( \$10.00) dollars, nor more than two hundred and fifty ( \$250.00) dollars, and each day after the first during which such violation shall continue shall constitute a separate violation.

Article 27Interpretation18-259 Provisions of this Chapt. Control When More Restrictive Than Other Existing Laws.

Where this Chapt. imposes a greater restriction upon the use of land, buildings, or premises, or upon the height of 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 Chapt. shall control.

18-260 Deed Restrictions Greater Than Required by This Chapt. Not Superseded by This Chapt.

Where private building restrictions in recorded deeds are greater than those required by this Chapt. they are not superseded by the provisions of this Chapt.

18-261 Permits Approved Prior to Adoption of this Chapt.

Any permit approved prior to the adoption of this Chapt. shall adhere to the regulations of the Zoning Ordinance which was in effect prior to the adoption of this Zoning Ordinance, provided that after six (6) months from the issuance of any such permit, it shall be void unless actual on-site construction has commenced.

Article 28Validity

18-262 If any section, paragraph, subdivision, clause, phrase, or provision of this Chapt. shall be adjudged invalid or held unconstitutional, the same shall not affect the validity of this Chapt. as a whole or any part or provision thereof, other than the part so decided to be invalid or unconstitutional.

18-263 All Ordinances or parts of ordinances in conflict herewith are hereby repealed.



Article 29

Effective Date

18-264 Force and Effect.

After the adoption of this Ordinance by the Town Council it shall be in full force and effect ten (10) days after publication.

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Publication date: 8/10/66

Effective date: 8/19/66