



# **Chapter 18 - Zoning and Subdivision Ordinance**

**Adopted: October 23, 2023**

**Effective: January 01, 2024**

**Amended: July 29, 2024**

## HOW TO NAVIGATE IN THIS ORDINANCE

THIS DOCUMENT CONTAINS HYPERLINKS

1. The Table of Contents is hyperlinked. Clicking on any entry in the table will bring you directly to that Article or section.
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4. All use tables include hyperlinks to each zoning district listed in the table.

USE TYPES	DISTRICTS AND ZONES													SPECIFIC USE STANDARDS		
	RESIDENTIAL				NON-RESIDENTIAL AND MIXED USES											
	RS-16	RS-12.5	RS-10	RMU	AW	AE	AC / AC-O	M	CS / CS-0	NM	T	GS	CP	PR	PC	

P = PERMITTED / C = CONDITIONAL / - = NOT PERMITTED (See Article 2 for Zone and District Names)

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# ARTICLE 1. INTRODUCTION TO THE CHAPTER



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### Section 18-101 Title

This chapter shall be known as the “Town of Vienna Zoning and Subdivision Ordinance” and may be cited as and referred to herein as the “Chapter.”

### Section 18-102 Authority

This Zoning and Subdivision Ordinance is adopted pursuant to the powers granted and limitations imposed by §15.2-2280 et seq., of the Code of Virginia, 1950, as amended.

### Section 18-103 Jurisdiction

The provisions of this Zoning and Subdivision Ordinance shall apply to all property within the corporate limits of the Town of Vienna, Virginia, excepting those areas determined by law to be under the sovereign control of the United States of America, the Commonwealth of Virginia, or the County of Fairfax, Virginia.

### Section 18-104 Purpose

This Zoning and Subdivision Ordinance is adopted in order to protect the health, safety, and welfare of the Town of Vienna; to advance the objectives set out in §15.2-2200 of the Code of Virginia, 1950, as amended; and to implement the Vienna Comprehensive Plan.

### Section 18-105 Severability

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

### Section 18-106 Conflicting Provisions

1. **Repeal:** All Zoning Ordinances, maps or parts thereof in conflict with the provisions of this Zoning and Subdivision Ordinance are hereby repealed. Except as expressly provided in this Chapter, such repeal shall not affect or impair any act done, offense committed or right accrued, or liability, penalty, forfeiture or punishment incurred prior to the time such repeal takes effect; the same may be enjoyed, asserted, enforced, prosecuted or inflicted, as fully and to the same extent as if such repeal had not been affected.
2. **Conflict with state or federal regulations:** If the provisions of this chapter are inconsistent with those of the state or federal government, the more restrictive provision will control, to the extent permitted by law.
3. **Conflict with other Town regulations:** If the provisions of this Chapter are inconsistent with one another, or if they conflict with provisions found in other adopted ordinances, regulations of the Town, any proffers or conditions of approval, the more restrictive provision will control unless otherwise expressly stated.

## Article 1. Introduction to the Chapter

4. **Conflict with private agreements and covenants:** This chapter is not intended to interfere with, abrogate or annul any easement, covenant, deed restriction or other agreement between private parties. The Town does not enforce private covenants. Town regulations must be complied with, regardless of any easement, covenant, deed restriction or other agreement between private parties. If the provisions of this chapter impose a greater restriction than imposed by a private agreement or covenant, the provisions of this chapter control.

### Section 18-107 Rules of Interpretation

1. Regulations set forth by this chapter shall be interpreted as providing minimum regulations necessary to promote and protect the public health, safety and welfare. If the requirements set forth in this chapter are at variance with the requirements of any other lawfully adopted uses, regulations, or ordinances, the more restrictive or higher standard shall govern. The more restrictive provision is the one that imposes more stringent controls.
2. Where private building or property restrictions in recorded deeds are more restrictive than those required by this chapter, the private restrictions are not superseded by the provisions of this Chapter.
3. Whenever a defined word appears in the Chapter, its meaning is as defined in this Chapter. Words not defined in this Chapter are interpreted in accordance with their usual dictionary meaning and customary usage.
4. All references to other regulations or manuals in this Chapter refer to the most current version and citation for those regulations or manuals, unless expressly indicated otherwise. When the referenced regulations or documents have been repealed and have not been replaced by other regulations or manuals, Chapter requirements are no longer in effect.
5. Illustrations, diagrams, and flowcharts are included in this Chapter to illustrate the intent and requirements of the text. In the case of a conflict between the text and any illustration, diagram, or flowchart, the text governs and controls.
6. The language of this Chapter shall be interpreted as follows:
  - A. Words used in one tense (past, present, or future) include all other tenses, unless the context clearly indicates the contrary. The singular includes the plural, and the plural includes the singular.
  - B. The words “shall,” “will,” and “must” are mandatory. The words “may” and “should” are advisory and discretionary terms.
7. Division headings are provided for ease of use and organization and shall not be interpreted as regulatory.
8. Unless the context clearly suggests the contrary, conjunctions shall be interpreted as follows: the word “and” indicates that all connected items, conditions, provisions, or events apply; and the word “or” indicates that one or more of the connected items, conditions, provisions, or events may apply.

### Section 18-108 Effective Date

Except as otherwise expressly stated herein, the provisions of this Zoning and Subdivision Ordinance shall become effective **January 01, 2024**.

### Section 18-109 Complete Applications

1. Applications accepted as complete before **January 01, 2024**, but still pending final action as of that date, will be processed in accordance with the regulations in effect when the application was accepted. To the extent such an application is approved and proposes development that does not comply with this Ordinance, the subsequent development, although permitted, will be nonconforming and subject to the provisions of Article 7: Nonconformities.
2. An applicant with a pending application accepted as complete before **January 01, 2024**, may opt to have the proposed development reviewed and decided under the standards of this Ordinance by withdrawing the pending application and submitting a new application in accordance with the procedures and standards of this Ordinance, at no charge to the applicant for any components that replace the original application.
3. Applications accepted as complete will be processed in accordance with any time frames for review, approval, and completion established in the regulations in effect at the time the application was accepted as complete. If the application fails to comply with the required time frames, it will expire and future development will be subject to the requirements of this Chapter 18, as effective on **January 01, 2024**, or as subsequently amended.



# ARTICLE 2. ZONES, DISTRICTS, AND DIMENSIONAL STANDARDS

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## DIVISION 1. GENERAL PROVISIONS

### Section 18-201 Establishment of Zones and Districts

1. Zones and districts are geographic areas, which together comprise all land within the Town. All lots within the Town fall within one or more zone(s) or district(s).
2. Zones are not contiguous and are mapped across the Town primarily based on existing and desired use patterns and distinguish between disparate uses without respect to specific geographies.
3. Districts are contiguous geographies with the Town that have similar existing or desired development patterns. Districts may include numerous blocks of different uses and building types that form the character of each district. The regulations applied to each district respect the unique development pattern while promoting desired outcomes within.
4. All zones and districts established in the Town are listed below.

ZONES	ABBREVIATION
Residential – Single-Unit, 16,000 sq. ft. Zone	RS-16
Residential – Single-Unit, 12,500 sq. ft. Zone	RS-12.5
Residential – Single-Unit, 10,000 sq. ft. Zone	RS-10
Residential – Multi-Unit Zone	RMU
Neighborhood Mixed Use Zone	NM
Transitional Zone	T
Parks and Recreational Zone	PR
Parks and Conservation Zone	PC

DISTRICTS	ABBREVIATION
Avenue Center District	AC
Avenue East Gateway District	AE
Avenue West Gateway District	AW
Church Street District	CS
Gateway South District	GS
Corporate Park District	CP
Mill District	M

OVERLAY DISTRICTS	ABBREVIATION
Avenue Center Amenity Overlay	AC-O
Church Street Vision Incentive Overlay	CS-O
Windover Heights Historic Overlay	WH-O
Chesapeake Bay Preservation Areas Overlay	CB-O

### **Section 18-202 Map of Zones and Districts**

The Zoning Map together with all explanatory matter thereon is adopted by reference and declared to be a part of this Chapter. A copy of the Zoning Map shall be maintained on file in the Town offices and updated on the Town's [official website](#). No changes of any nature shall be made to the Zoning Map or any part thereof except in conformity with the procedures set forth in this Chapter. Any unauthorized change of whatever kind by any person or persons shall be considered a violation of this Chapter.

### **Section 18-203 Zones and District Assignment to Annexed Areas**

Any area annexed to the Town after the effective date of the ordinance from which this Chapter is derived shall, immediately upon such annexation, be classified as having a Town zone or district most nearly approximating the zone or district which it had prior to annexation, until the Zoning Map has been amended by Town Council to include the annexed area. The Planning Commission shall recommend appropriate zoning for the annexed area to the Town Council within three (3) months after the effective date of such annexation.

### **Section 18-204 Determination of Zone Boundaries**

Where uncertainty exists as to the boundaries of any of the zones established in [§18-201](#) and as shown on the Zoning Map established in [§18-202](#), the following rules shall apply:

1. Zone boundaries are intended to follow street, alley, lot, or property lines, unless such zone boundary lines are fixed by dimensions, as shown on the zoning map.
2. Where some boundaries are so indicated that they approximately follow lot lines and are not more than ten feet distant therefrom, such lot lines shall be such boundaries.

### **Section 18-205 Compliance with Regulations**

1. No structure shall be located, erected, constructed, reconstructed, moved, altered, converted or enlarged, nor shall any structure or land be used or be designed to be used, except in full compliance with all the provisions of this Chapter and after the lawful issuance of all permits and certificates required by this Chapter.
2. No lot or parcel of land, with or without structures at the time the ordinance from which this chapter is derived became effective, shall be subdivided, resubdivided, or reduced in any manner below the minimum lot width and lot area required by this chapter.
3. No land or structure shall be used or designed to be used for any purpose other than a use that is listed as permitted or conditionally permitted in the zone or district in which such a building or land is located.
4. No yard or other space provided for 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 structure on any other lot.

## DIVISION 2. EXPLANATION OF DIMENSIONAL TERMS

### Section 18-206 Illustrative Examples of Lot Dimensions and Standards

The diagrams and text below define dimensional terms and direct how to measure lot and structure dimensions. All terms are also referenced in [Article 9 - Definitions](#).

#### LOT DIMENSIONS & STANDARDS

— Lot line	CSY Corner side yard setback
FW Lot Width at Front Lot Line	ISY Interior side yard setback
MW Lot Width at Midline	RY Rear yard setback
BW Lot Width at Front Building Line	LC Lot coverage
FY Front yard setback	OS Open Space

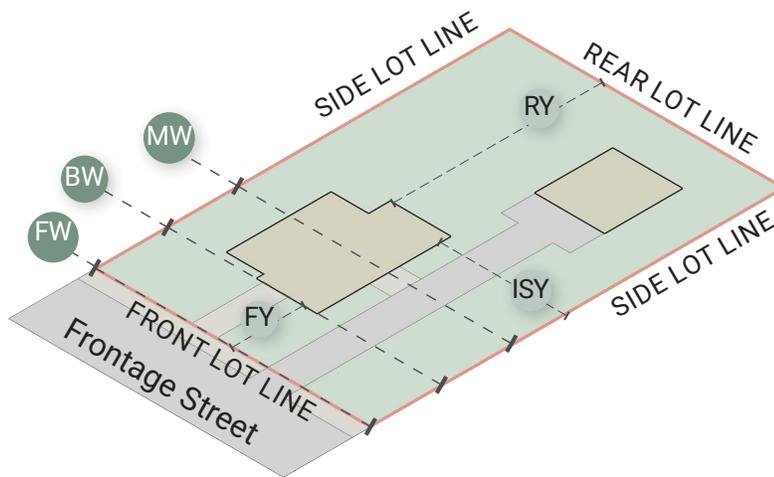


Figure 2.1. Example of **Residential Interior lot**, including lot lines and lot dimensions

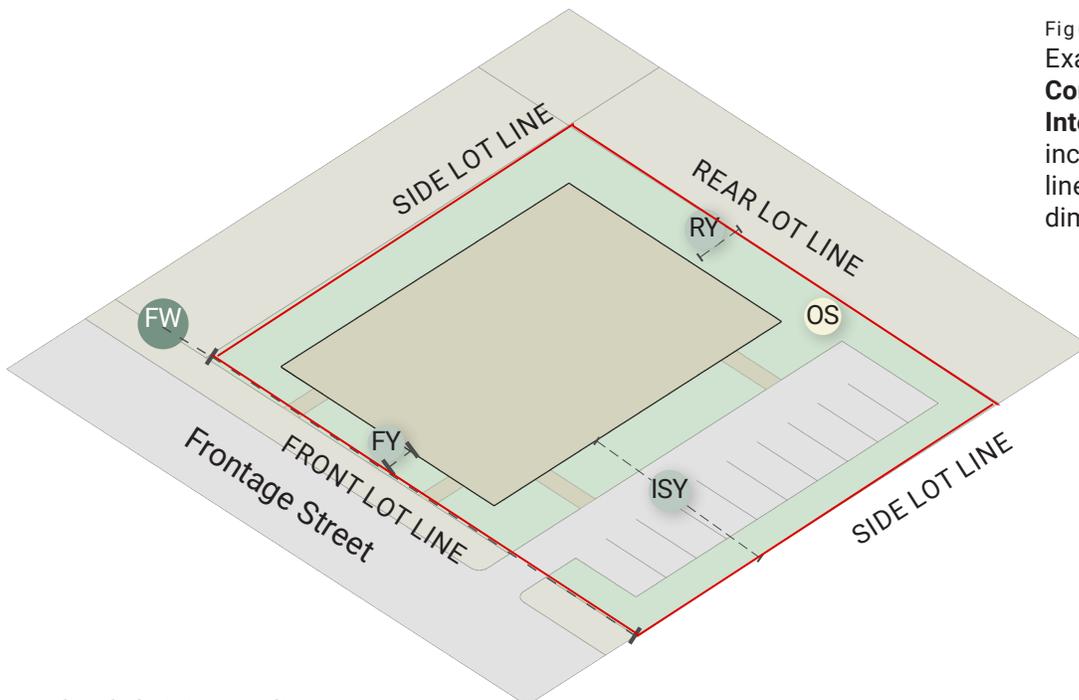


Figure 2.2. Example of **Commercial Interior lot**, including lot lines and lot dimensions

**LOT DIMENSIONS & STANDARDS**

- Lot line
- FW Lot Width at Front Lot Line
- MW Lot Width at Midline
- BW Lot Width at Front Building Line
- FY Front yard setback
- CSY Corner side yard setback
- ISY Interior side yard setback
- RY Rear yard setback
- LC Lot coverage
- OS Open Space

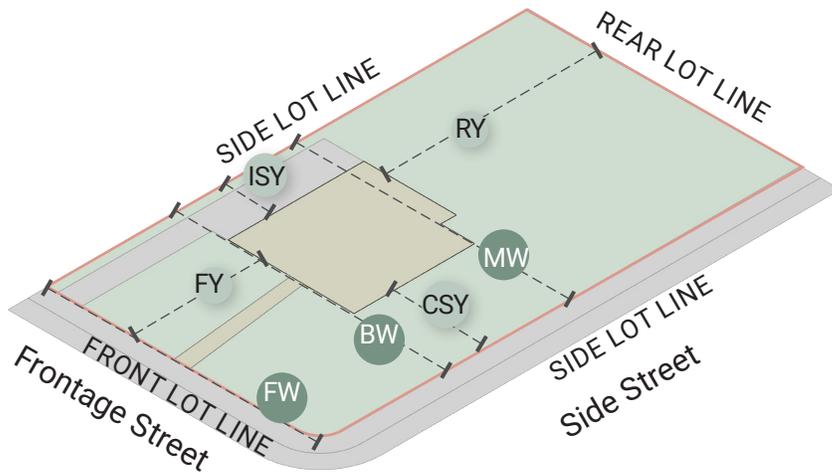


FIGURE 2.3. Example of Residential Corner lot, including lot lines and lot dimensions

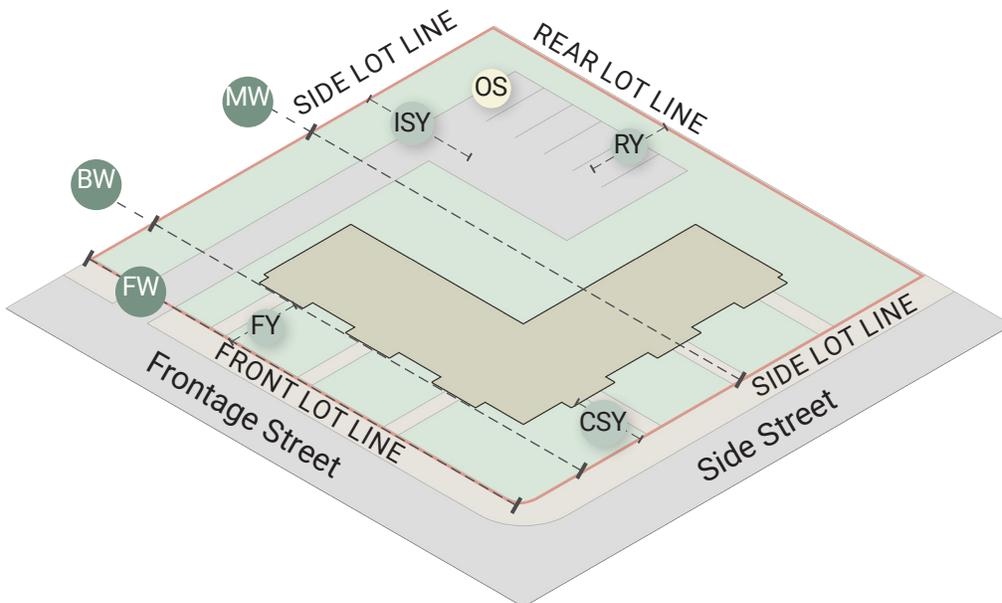


FIGURE 2.4. Example of Commercial Corner lot, including lot lines and lot dimensions

**LOT DIMENSIONS & STANDARDS**

- Lot line
- FW Lot Width at Front Lot Line
- MW Lot Width at Midline
- BW Lot Width at Front Building Line
- FY Front yard setback
- CSY Corner side yard setback
- ISY Interior side yard setback
- RY Rear yard setback
- LC Lot coverage
- OS Open Space

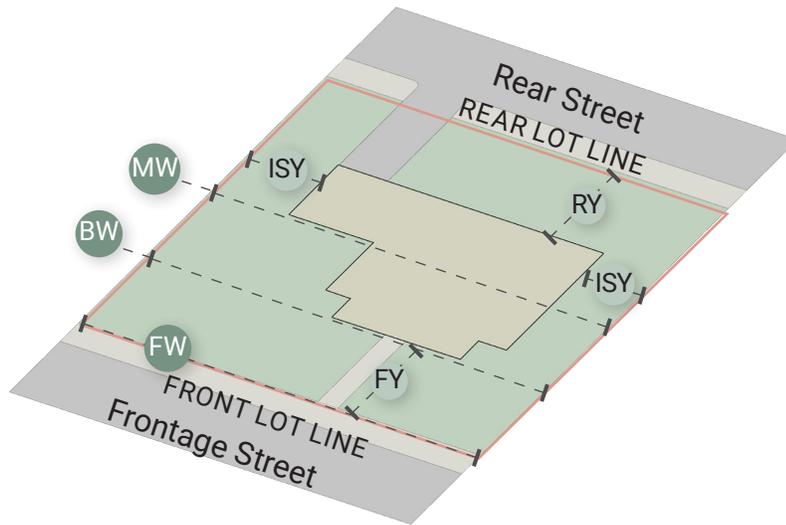


Figure 2.5. Example of **Residential - Through Lot**, including lot lines and lot dimensions

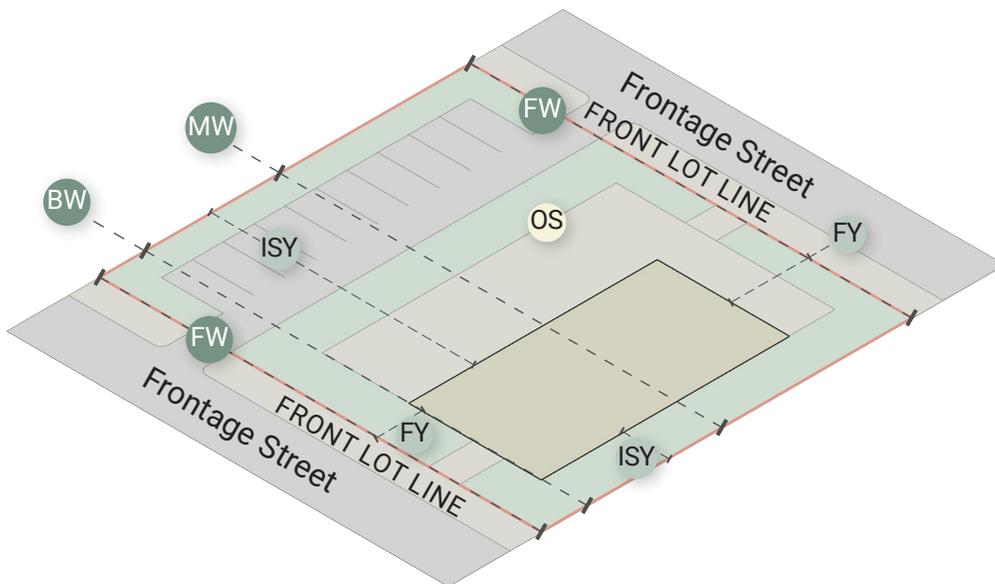


Figure 2.6. Example of **Commercial - Through Lot**, including lot lines and lot dimensions

**LOT DIMENSIONS & STANDARDS**

— Lot line	CSY Corner side yard setback
FW Lot Width at Front Lot Line	ISY Interior side yard setback
MW Lot Width at Midline	RY Rear yard setback
BW Lot Width at Front Building Line	LC Lot coverage
FY Front yard setback	OS Open Space

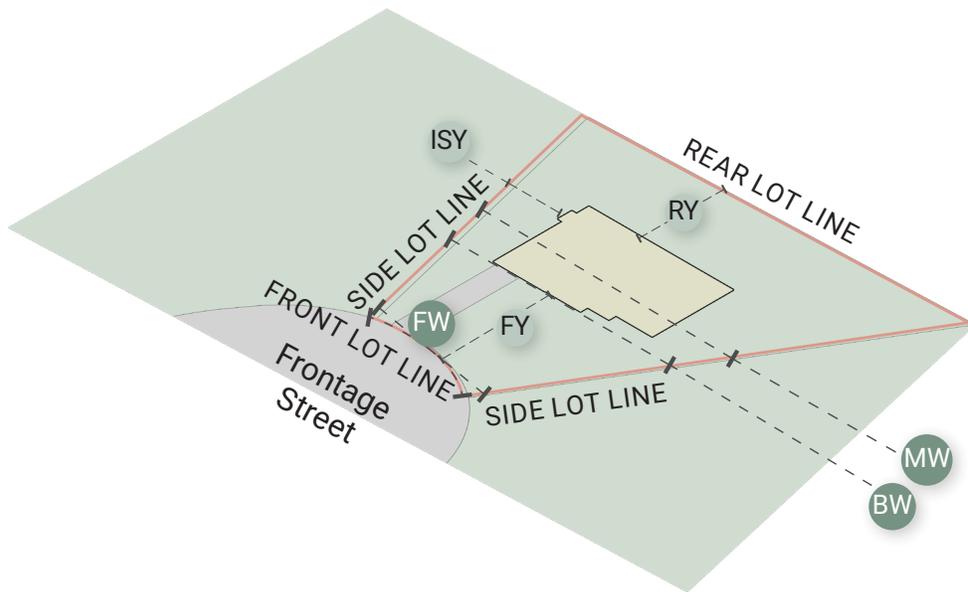


FIGURE 2.7.  
Example of **Residential - cul de sac pie-shaped lot**, including lot lines and lot dimensions

**Section 18-207 Lot Lines**

1. **Lot line.** A lot line is a line dividing one lot from another or from a street or any public place.
2. **Front lot line.** A front lot line is the lot line that abuts a street right-of-way. The front lot line is also referred to as the “front of lot.”
  - A. Where a lot is located on the inside of a curved front lot line, and the curve has an arc angle of more than fifty-five (55) degrees, the lot line shall be considered two separate lot lines, each terminating at the midpoint of the arc.
  - B. When a lot has multiple lot lines abutting a street right-of-way, the front lot line shall be the shortest of the lot lines that abut a street right-of-way, except that:
    - i. When two or more lot lines abut street rights-of-way and are of equal lengths, the front lot line shall be that lot line which abuts the street having the greatest total width of front lot lines within the same block; and
    - ii. The Zoning Administrator may determine, for reasons of safety or continuity, that the front lot line should be a lot line other than the shortest lot line that abuts a street right-of-way.
  - C. The architectural front of the building shall face the front lot line.
  - D. A lot line that abuts a street right-of-way but is not considered a front lot line shall be considered a corner side lot line.
3. **Side lot line.** Any lot line other than a front or rear lot line. Where two or more side lot lines are adjoining, they shall be treated as segments of an entire side lot line.
4. **Rear lot line.** The lot line most directly opposite and farthest from the front lot line. If no lot line is clearly most directly opposite and farthest from the front lot line, two or more lot lines will be designated as rear lot lines for consistent application of rear yard setbacks abutting the yards of adjacent lots.
5. **Front building line.** A front building line is a line that is parallel to the front lot line, is within the lot, and is separated from the front lot line by a distance equal to the minimum front yard setback for principal structures in that zone or district.
6. **Midline.** A midline is a line that is positioned one half of the shortest horizontal distance between a front lot line and a rear lot line, is parallel to a tangent line at the midpoint of a front lot line, and terminates at its intersection with any lot line.

**Section 18-208 Corner, Interior, and Through Lots**

1. **Corner lot.** A corner lot is any lot situated at the intersection of two or more streets, having an angle of intersection of not more than 135 degrees.
2. **Interior lot.** An interior lot is any lot other than a corner lot.
3. **Through lot.** A through lot is any interior lot with two or more non-adjacent lot lines that each abut a street right-of-way.

**Section 18-209 Yards**

- 1. Yard.** A yard is 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.
- 2. Front yard.** A front yard is a yard extending across the full width of the lot between the nearest principal building and the front lot line. The depth of the required front yard shall be measured horizontally from the nearest part of the principal building to the nearest point of the front lot line.
- 3. Rear yard.** A rear yard is 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.
- 4. Side yard.** A side yard is 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 provided, 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.
- 5. Corner side yard.** A corner side yard is a yard between a principal building and the corner side lot line, extending from the front yard, or front lot line where no front yard is provided, to the rear yard. The width of the required corner side yard shall be measured horizontally from the nearest point of the corner side lot line toward the nearest part of the principal building.

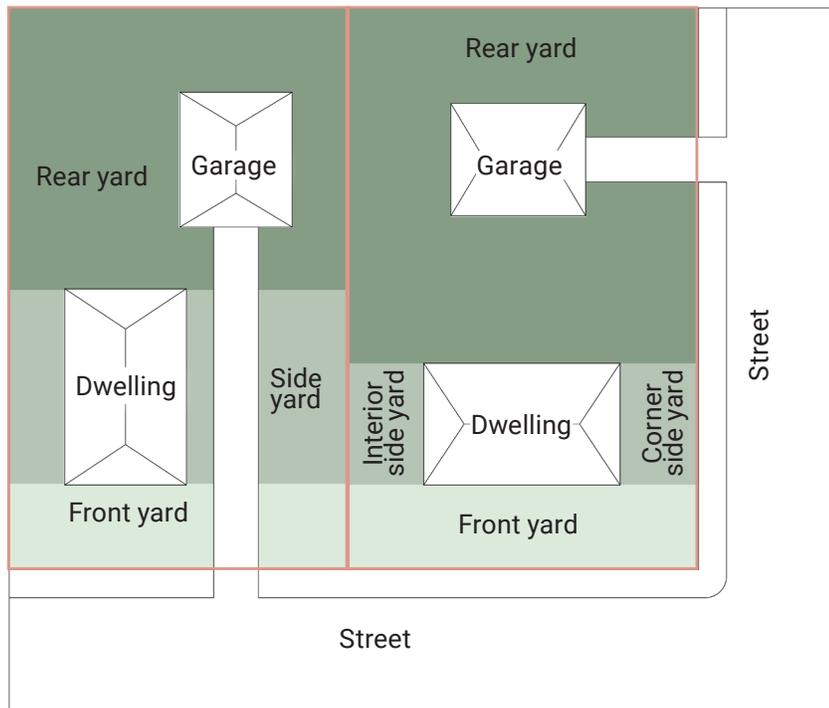


FIGURE 2.8. Illustration of yards.

**Section 18-210 Lot Dimensions**

1. **Lot area.** The lot area is the area of a horizontal plane contained by vertical planes extending from the lot lines.
2. **Lot width at front lot line.** The lot width at front lot line is the length of the front lot line. The lot width at front lot line is sometimes referred to as the “lot frontage.”
3. **Lot width at front building line.** The lot width at front building line is the length of the front building line.
4. **Lot width at midline.** The lot width at midline is the length of the distance from one side lot line to the opposite side lot line, measured at the mid-points of the side lot lines, or as near as possible to those mid-points so that the midline is as close to being parallel to the front lot line as possible.
5. **Front yard setback.** The front yard setback is the shortest horizontal distance between a structure on the lot and the front lot line. In some instances, which will be noted in this Chapter, the front yard setback is the shortest horizontal distance between a structure on the lot and the centerline of the street right-of-way.
6. **Interior side yard setback.** The interior side yard setback is the shortest horizontal distance between a structure on the lot and a side lot line that does not abut a street right-of-way.
7. **Corner side yard setback.** The corner side yard setback is the shortest horizontal distance between a structure on the lot and a corner side lot line.
8. **Rear yard setback.** The rear yard setback is the shortest horizontal distance between a structure on the lot and a rear lot line.

**Section 18-211 Lot Deviation**

1. Lot deviation is the vertical change in elevation from the pre-existing lot grade to the finished lot grade.
2. Lot deviation limits apply to a minimum of nine points along the building footprint generally as shown in Figure 2.9.
3. For single-unit detached dwellings, not including subdivisions, the finished lot grade may deviate from the pre-existing lot grade by no more than three vertical feet at any point along the pre-existing lot grade around the footprint of the building or structure, such that all over-lot grading shall be in accordance with the natural lay of the land.
4. The Director of Public Works may waive the three-foot lot deviation limit if deemed to be for good cause and not contrary to the public interest.

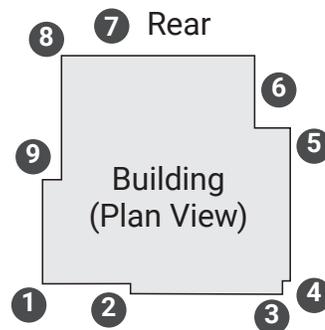


Figure 2.9. Illustration of the locations of pre-existing and post-construction grade elevation measurements for the purpose of determining lot deviation.

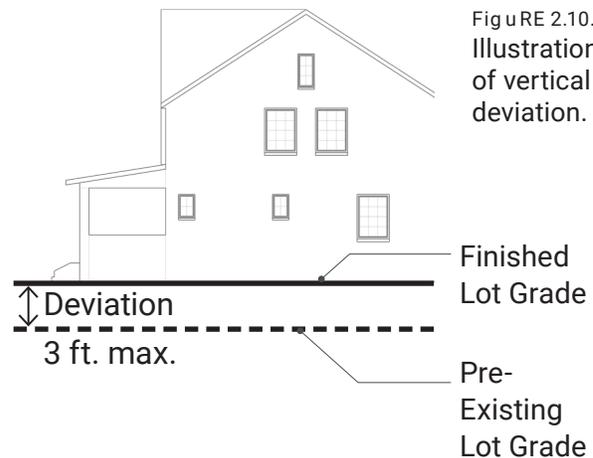


Figure 2.10. Illustration of vertical lot deviation.

### Section 18-212 Structure Dimensions

#### 1. Building height.

A. For principal structures, building height is the maximum vertical dimension measured from the average finished lot grade at the front of the principal building to the highest point of the roof.

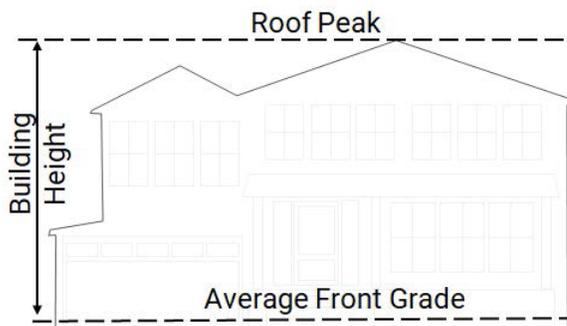


FIGURE 2.11. Illustration of building height.

B. 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 which are part of the principal building may be erected above the height limits herein described to a maximum of nine (9) feet above the roof level, but no penthouse or roof structure, or any space above the height limit shall be allowed for the purpose of providing additional floor space.

C. Architectural features such as steeples, cupolas, elevator housing, and decorative parapet walls may be erected beyond the nine (9) foot maximum addition above the roof level, with recommendation by the Board of Architectural Review and approval by Town Council.

D. For accessory structures, building height is the maximum vertical dimension measured from the lowest point of grade elevation adjacent to any exterior wall of the structure to the highest point of the roof.

2. **Story.** A story is a portion of a building included between the surface of any floor and the surface of the next floor directly above it, or if there is no floor above it, then the space between such floor and ceiling next above it.

3. **Basement.** A basement is partially or wholly underground and not considered a story. The space shall be considered a story and not a basement if the space is exposed more than an average of seven (7) feet from proposed grade points around the footprint of the building to the next floor elevation.

4. **Half story.** A half-story is fifty percent (50%) or less floor area than the floor below.

### Section 18-213 Lot Coverage

1. **Residential lot coverage.** Percentage of a lot that is measured by the sum of the area covered by buildings, accessory buildings, automobile parking spaces and access, stoops, sport courts, tennis courts, patios and terraces divided by the total lot area.

2. **Outdoor living coverage.** Percentage of a lot that is measured by the total area of the lot that is covered by decks divided by the total lot area. Up to four hundred (400) sq. ft. of deck may be covered and not count towards lot coverage with the following conditions:

A. Must be single-story and cannot be converted into conditioned living space;

- B. Cannot be located in the front yard; and
- C. Must provide for stormwater BMPs in accordance with the [Stormwater Manual for Outdoor Living Areas](#) and meet all criteria included in said manual.

**Section 18-214 Open Space**

1. The purpose of open and usable space is to provide areas of trees, shrubs, lawns, pathways and other natural and man-made amenities which function for the use and enjoyment of residents, visitors and other persons.
2. Open space is that portion of a lot at ground level that is:
  - A. Eight (8) feet or more in width;
  - B. One hundred and twenty (120) square feet or more in contiguous area;
  - C. Unoccupied by principal or accessory enclosed structures;
  - D. Not used in whole or in part as roads, alleys, emergency vehicle easement areas, driveways, maneuvering aisles or off-street parking or loading berths.

**Section 18-215 Allowable Encroachments into Required Yard Setbacks**

The following table sets forth permitted encroachments into yards and associated standards:

FEATURE	EXTENT AND LIMITATIONS ON ENCROACHMENT
1. Accessibility (ADA) ramp	A. One exterior ramp meeting current Americans with Disabilities Act standards may be installed on a structure in the RS-10, RS-12.5 and RS-16 zones for a period not to exceed five (5) years. B. Any such ramp approved by the zoning administrator shall not extend to a point closer than ten (10) feet from the front and rear property lines and five (5) feet from the side property line. C. Any permit issued is non-transferable; however, renewal permits for such ramps may be issued by the zoning administrator.
2. <a href="#">Accessory structures</a>	A. Accessory structures for single-unit detached residential uses are permitted to encroach in the rear and side yard pursuant to <a href="#">§18-403</a> . B. Standards for accessory structures for multi-unit attached residential are found in <a href="#">Article 4B Division 2</a> . C. Standards for accessory structures for commercial, industrial and mixed-uses are found in <a href="#">Article 5A Division 2</a> . D. Standards for accessory structures for public, institutional, and community uses are found in <a href="#">Article 5B Division 2</a> .
3. <a href="#">Architectural features, Major (See definition in Article 9)</a>	A. Such features shall not project more than two and one-half (2.5) feet into any required yard, or exceed two (2) stories in height or ten (10) feet in length. B. The combined length of all such features shall not exceed one-third (1/3) of the total length of the building facade upon which they are located.

**Section 18-215 Allowable Encroachments into Required Yard Setbacks (CONTINUED)**

FEATURE	EXTENT AND LIMITATIONS ON ENCROACHMENT
4. Architectural features, Minor (See definition in Article 9)	Such features shall not project more than four (4) feet into any required yard.
5. Attached carport or garage	<p>A. An unenclosed carport or garage may project no more than five (5) feet into a required side yard; however, any corner side yard shall not be reduced to less than ten (10) feet in width.</p> <p>B. The portion of carport or garage encroaching shall be single story, not to exceed fourteen (14) feet in height as measured from the average front grade.</p>
6. Driveway	Driveways may encroach into required yards, however, they must maintain a one (1) foot setback from interior lot lines.
7. Fence	Fences may encroach into required yards. See §18-410 for Single-Unit Detached Residential Uses; §18-465 for Multi-unit Attached Residential Uses; §18-513 for Commercial, Industrial, and Mixed-Uses; §18-562 for Public, Institutional, and Community Uses
8. Fire Escape	Open fire escapes may not extend into any required yards.
9. Landscaping	Landscaping may encroach into required yards, subject to compliance with Article 4A Division 3 for Single-Unit Detached Residential Uses; Article 4B Division 3 for Multi-unit Attached Residential Uses; Article 5A Division 3 for Commercial, Industrial, and Mixed-Uses; Article 5B Division 3 for Public, Institutional, and Community Uses.
10. Open/uncovered deck	Uncovered decks shall not project more than four (4) feet into any required front or side yard and no more than ten (10) feet into any required rear yard.
11. Patio	Patios are permitted to encroach in all yards up to 5 feet from the property line.
12. Sign	<p>A. Ground-mounted signs are permitted to encroach in required yards provided they are set back from the right-of-way a distance at least equal to the sign height and that they comply with §18-412 and §18-514.</p> <p>B. Temporary signs are permitted to encroach into required yards provided compliance with §18-412 and §18-514.</p>

**Section 18-215 Allowable Encroachments into Required Yard Setbacks (CONTINUED)**

FEATURE	EXTENT AND LIMITATIONS ON ENCROACHMENT
13. Single-story front porch (unenclosed)	<p>A. The portion of the front porch encroaching cannot be fully enclosed on three sides and cannot exceed fourteen (14) feet in height as measured from the average front grade.</p> <p>B. For unenclosed front and sides of porch, railing shall not exceed forty-two (42) inches above the porch floor and solid walls shall not exceed twenty-four (24) inches above the porch floor.</p> <p>C. Steps coming off the porch are permitted to encroach the minimum distance required by the Virginia Uniform Statewide Building Code (USBC).</p> <p>D. Applicable to single-unit detached residential only.</p>
14. Stormwater management facility	Encroachment permitted in any required yard, provided that the facilities are part of a Virginia DEQ approved BMP.
15. Wall	<p>A. Decorative, non-retaining walls under four (4) feet in height are permitted in all required yards with compliance with §18-412 and §18-514.</p> <p>B. Retaining walls under five (5) feet in height are permitted in all required yards with compliance with §18-412 and §18-514.</p>

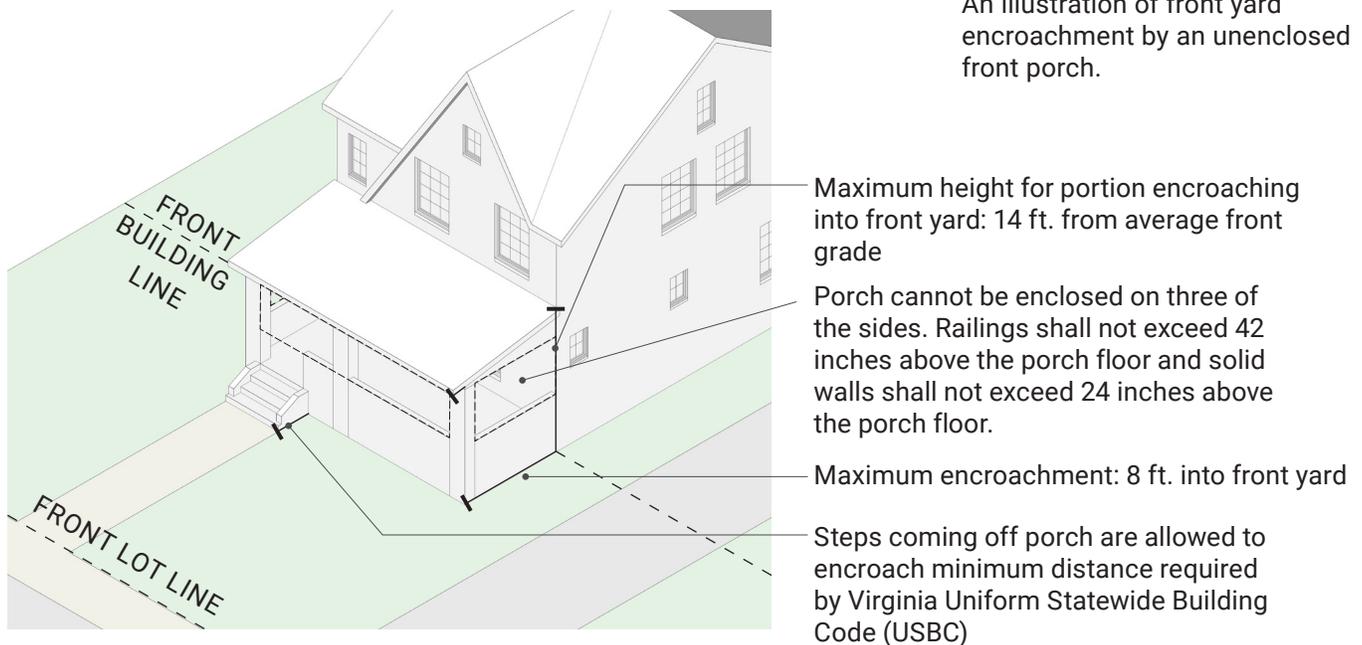


Figure 2.12.  
An illustration of front yard encroachment by an unenclosed front porch.

## DIVISION 3. RESIDENTIAL ZONES AND REGULATIONS

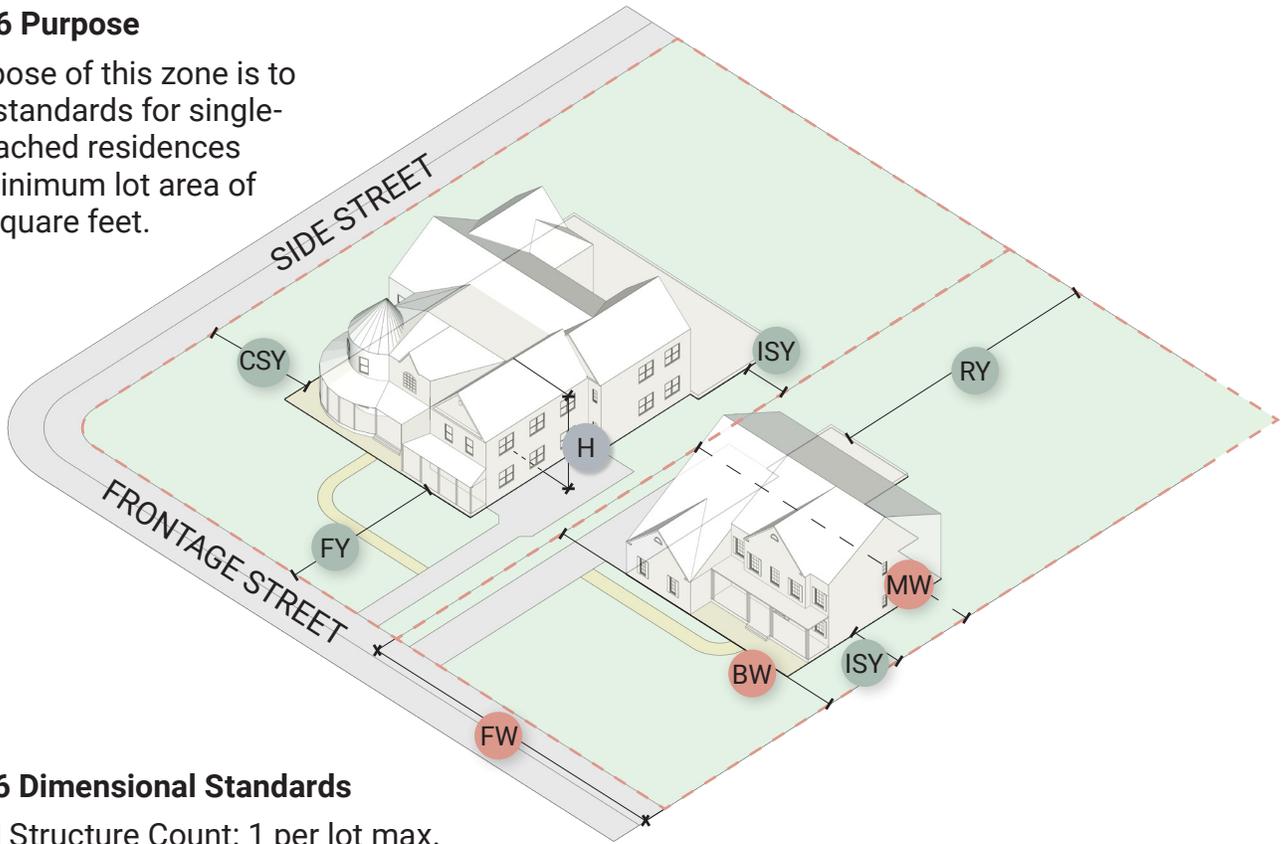
### Section 18-216 Established Residential Zones

ZONES	ABBREVIATION	SECTION
Residential – Single-Unit, 16,000 sq. ft. Zone	RS-16	§18-217
Residential – Single-Unit, 12,500 sq. ft. Zone	RS-12.5	§18-218
Residential – Single-Unit, 10,000 sq. ft. Zone	RS-10	§18-219
Residential – Multi-Unit Zone	RMU	§18-220

**Section 18-217 Residential - Single-Unit, 16,000 sq. ft. Zone (RS-16)**

**1. RS-16 Purpose**

The purpose of this zone is to provide standards for single-unit, detached residences with a minimum lot area of 16,000 square feet.



**2. RS-16 Dimensional Standards**

Principal Structure Count: 1 per lot max.

**BUILDABLE LOT DIMENSIONS**

Lot Area Per Dwelling Unit	16,000 sq. ft. min.
FW Lot Width at Front Lot Line	50 ft. min.
BW Lot Width at Front Building Line	65 ft. min.
MW Lot Width at Midline	90 ft. min.

**RESIDENTIAL COVERAGE**

Lot coverage	25% max.
Outdoor living coverage	5% max. covered by decks Up to 400 sq. ft. of decks may be covered, with conditions outlined in §18-213

**BUILDING STANDARDS**

H Building Height	35 ft. max.
Number of Stories	2.5 max.

**BUILDING PLACEMENT STANDARDS**

FY	Front Yard Setback	35 ft. min. from front property line, including after any required dedication
ISY	Interior Side Yard Setback	15 ft. min. Non-Residential Principal Structures: 30 ft. min.
CSY	Corner Side Yard Setback	25 ft. min.
RY	Rear Yard Setback	35 ft. min.

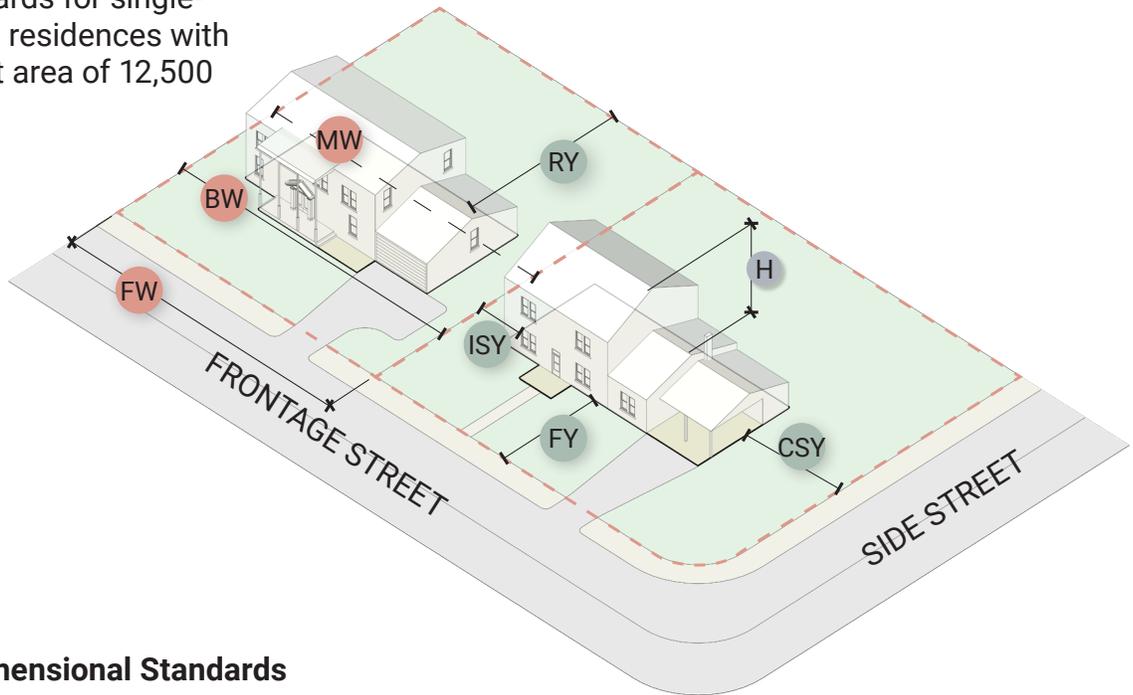
**Reference to Other Standards**

- » Uses and Use Standards: See [Article 3](#);
- » Accessory structure setbacks: See [Article 4A](#)
- » Development Standards - Single-Unit Detached Residential Uses: See [Article 4A](#);
- » Development Standards - Public, Institutional, and Community Uses - See [Article 5B](#)

**Section 18-218 Residential - Single-Unit, 12,500 sq. ft. Zone (RS-12.5)**

**1. RS-12.5 Purpose**

The purpose of this zone is to provide standards for single-unit, detached residences with a minimum lot area of 12,500 square feet.



**2. RS-12.5 Dimensional Standards**

Principal Structure Count: 1 per lot max.

BUILDABLE LOT DIMENSIONS	
Lot Area Per Dwelling Unit	12,500 sq. ft. min.
FW Lot Width at Front Lot Line	50 ft. min.
BW Lot Width at Front Building Line	65 ft. min.
MW Lot Width at Midline	80 ft. min.

RESIDENTIAL COVERAGE	
Lot coverage	25% max.
Outdoor living coverage	5% max. covered by decks Up to 400 sq. ft. of decks may be covered, with conditions outlined in §18-213

BUILDING STANDARDS		
H	Building Height	35 ft. max.
	Number of Stories	2.5 max.

BUILDING PLACEMENT STANDARDS		
FY	Front Yard Setback	30 ft. min. from front property line, incl. after any required dedication
ISY	Interior Side Yard Setback	15 ft. min. Non-Residential Principal Structures: 30 ft. min.
CSY	Corner Side Yard Setback	25 ft. min.
RY	Rear Yard Setback	35 ft. min.

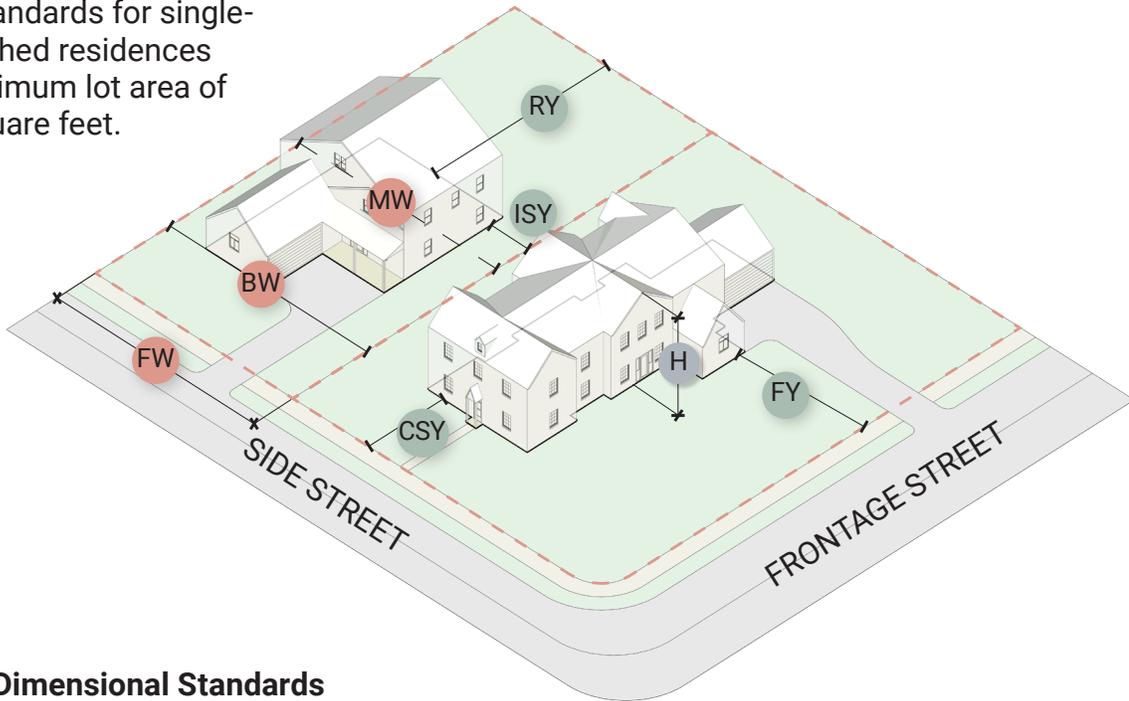
**Reference to Other Standards**

- » Uses and Use Standards: See Article 3;
- » Accessory structure setbacks: See Article 4A
- » Development Standards - Single-Unit Detached Residential Uses: See Article 4A;
- » Development Standards - Public, Institutional, and Community Uses - See Article 5B

**Section 18-219 Residential - Single-Unit, 10,000 sq. ft. Zone (RS-10)**

**1. RS-10 Purpose**

The purpose of this zone is to provide standards for single-unit, detached residences with a minimum lot area of 10,000 square feet.



**2. RS-10 Dimensional Standards**

Principal Structure Count: 1 per lot max.

BUILDABLE LOT DIMENSIONS	
Lot Area Per Dwelling Unit	10,000 sq. ft. min.
FW Lot Width at Front Lot Line	45 ft. min.
BW Lot Width at Front Building Line	60 ft. min.
MW Lot Width at Midline	75 ft. min.

RESIDENTIAL COVERAGE	
Lot coverage	25% max.
Outdoor living coverage	5% max. covered by decks
	Up to 400 sq. ft. of decks may be covered, with conditions outlined in §18-213

BUILDING STANDARDS		
H	Building Height	35 ft. max.
	Number of Stories	2.5 max.

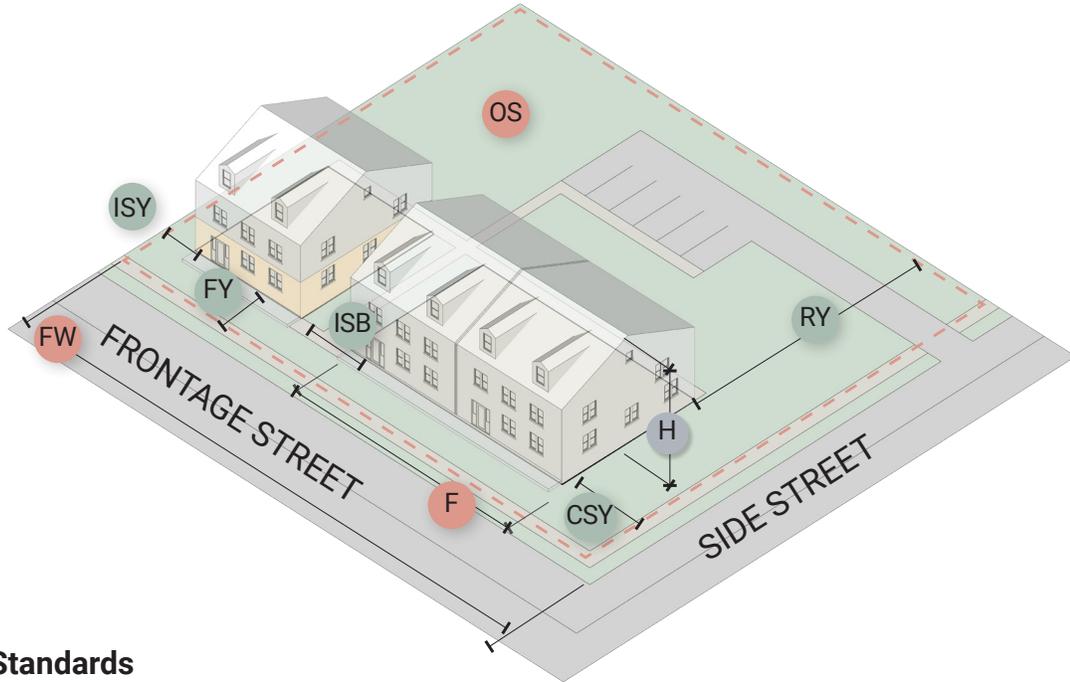
BUILDING PLACEMENT STANDARDS		
FY	Front Yard Setback	25 ft. min. from front property line, incl. after any required dedication
ISY	Interior Side Yard Setback	12 ft. min. Non-Residential Principal Structures: 30 ft. min.
CSY	Corner Side Yard Setback	25 ft. min.
RY	Rear Yard Setback	35 ft. min.

- Reference to Other Standards**
- » Uses and Use Standards: See [Article 3](#);
  - » Accessory structure setbacks: See [Article 4A](#)
  - » Development Standards - Single-Unit Detached Residential Uses: See [Article 4A](#);
  - » Development Standards - Public, Institutional, and Community Uses - See [Article 5B](#)

## Section 18-220 Residential - Multi-Unit Zone (RMU)

1. **RMU Purpose.** The purpose of this zone is to provide standards for multi-unit residential uses, which include the following:
  - A. Two-unit Attached Dwellings/Duplexes
  - B. Cottage Courts
  - C. Townhomes
  - D. Multi-unit Buildings and Complexes
2. **RMU Dimensional Standards.** The dimensional standards for each of the multi-unit residential uses listed in §18-220.1 are as follows:

**A. Two-unit Attached Dwellings / Duplexes**



**Dimensional Standards**

SITE DEVELOPMENT STANDARDS		
	Development Site	10,000 sq. ft. min.
F	Development Site Frontage	70 ft. min.
FW	Lot Width at Front Lot Line of Development Site	70 ft. min.
	Units Per Gross Acre	20 max.
	Contiguous Series/ Row of Attached Units	2 max.
OS	Open Space	30% of total development gross acreage  Private yards may count toward open space calculations for the development

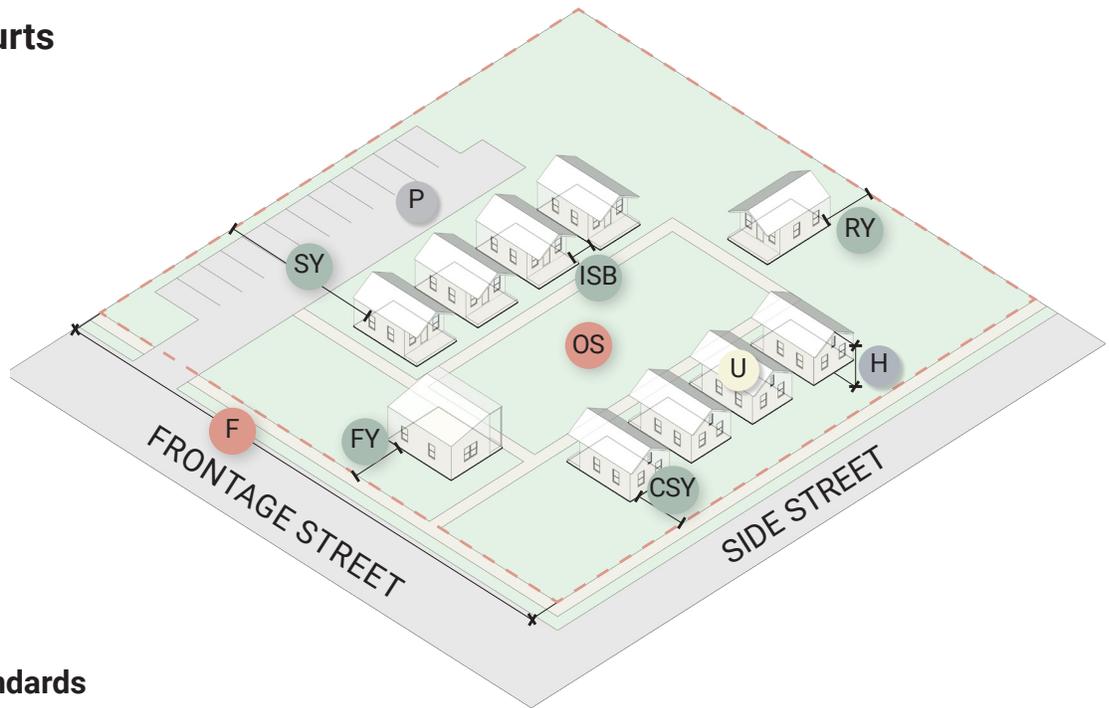
BUILDING STANDARDS		
H	Building Height	35 ft. max.
	Number of Stories	3 max.

BUILDING PLACEMENT STANDARDS		
FY	Front Yard Setback	20 ft. min. from front property line
ISY	Interior Side Yard Setback	15 ft. min.
RY	Rear Yard Setback	35 ft. min.
CSY	Corner Side Yard Setback	25 ft. min.
ISB	Internal Setbacks Between Buildings on Same Lot	Minimum required by Virginia Uniform Statewide Building Code

**Reference to Other Standards**

- » Uses and Use Standards: See [Article 3](#);
- » Accessory structure setbacks: See [Article 4B](#)
- » Development Standards - Multi-Unit Attached Residential Uses: See [Article 4B](#)

## B. Cottage Courts



### Dimensional Standards

SITE DEVELOPMENT STANDARDS		
	Development Site	1/2 acre min.
F	Development Site Frontage	70 ft. min.
	Units Per Gross Acre	10 max. Not more than 20 units total per development site
OS	Open Space Set Aside Per Development	40% min.

BUILDING STANDARDS		
H	Building Height	28 ft. max.
	Number of Stories	1.5 stories max.

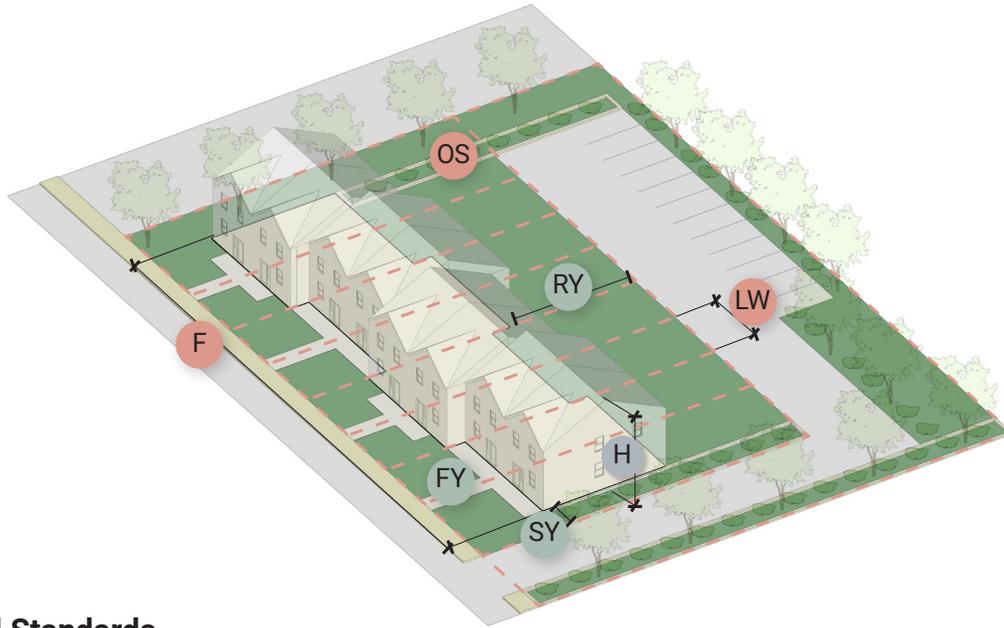
UNIT SIZE		
U	Unit Size	1,800 sq. ft. max.
	Building footprint	1,200 sq. ft. max.

BUILDING PLACEMENT STANDARDS			
FY	Front Yard Setback		20 ft. min. from front property line
SY	Side Yard Setback		15 ft. min. each side
RY	Rear Yard Setback		20 ft. min.
CSY	Corner Side Yard Setback		20 ft. min.
ISB	Internal Setbacks Between Buildings on Same Lot		Minimum required by Virginia Uniform Statewide Building Code.

#### Reference to Other Standards

- » Uses and Use Standards: See [Article 3](#);
- » Accessory structure setbacks: See [Article 4B](#)
- » Development Standards - Multi-Unit Attached Residential Uses: See [Article 4B](#)

### C. Townhomes



#### Dimensional Standards

SITE DEVELOPMENT STANDARDS		
F	Site Frontage	70 ft. min.
LW	Individual Unit Width	16 ft. min.
	Units Per Gross Acre	20 max.
	Contiguous Series/Row of Attached Units	10 max.
OS	Open Space Set Aside Per Development	30% of total development gross acreage
		Private yards may count toward open space calculations for the development

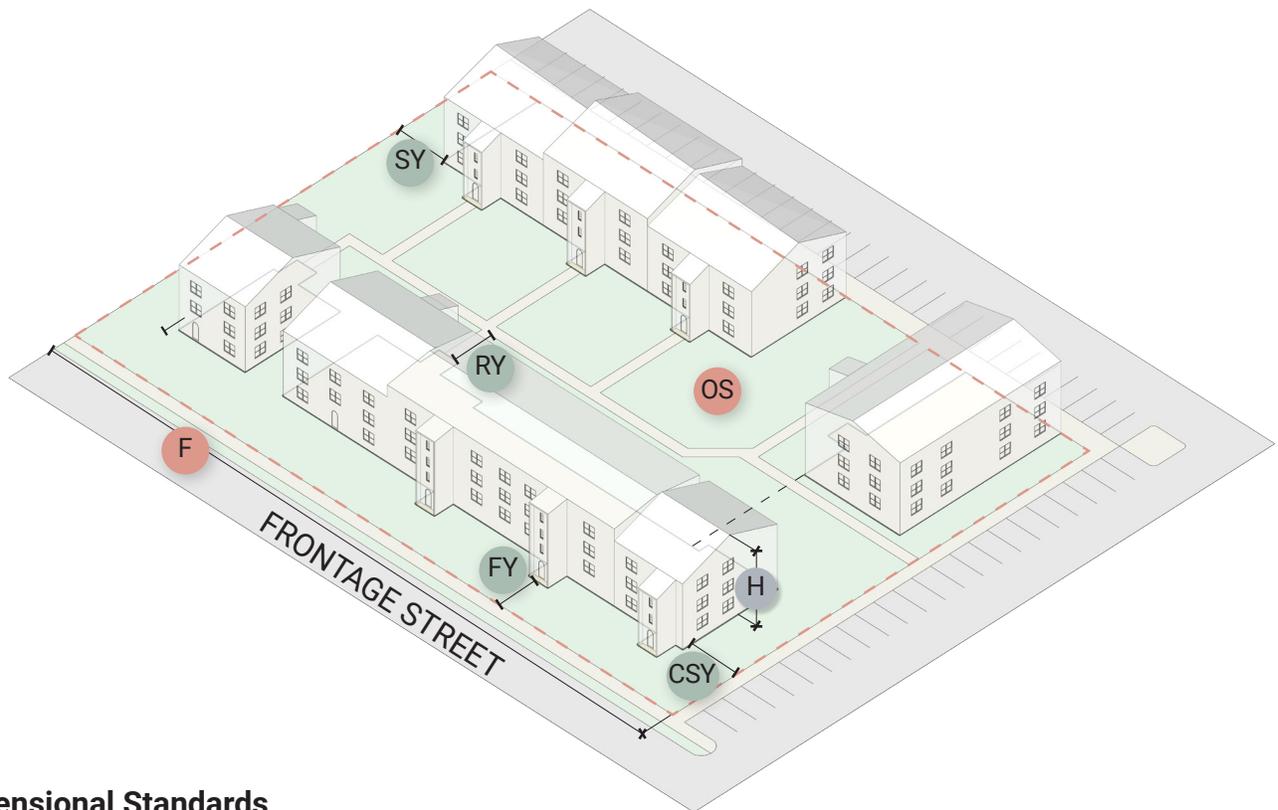
BUILDING PLACEMENT STANDARDS		
FY	Front Yard Setback	20 ft. min. or 25 ft. min., no more than two units in a row may have the same front setbacks
SY	Side Yard Setback	15 ft. min. for end lots
RY	Rear Yard Setback	35 ft. min.

BUILDING STANDARDS		
H	Building Height	35 ft. max.
	Number of Stories	3 max.

**Reference to Other Standards**

- » Uses and Use Standards: See [Article 3](#);
- » Accessory structure setbacks: See [Article 4B](#)
- » Development Standards - Multi-Unit Attached Residential Uses: See [Article 4B](#)

### D. Multi-Unit Buildings and Complexes



#### Dimensional Standards

SITE DEVELOPMENT STANDARDS			BUILDING PLACEMENT STANDARDS		
F	Development Site Frontage	70 ft. min.	FY	Front Yard Setback	20 ft. min.
	Units Per Gross Acre	30 max.	SY	Side Yard Setback	15 ft. min.
OS	Open Space Set Aside Per Development Site	30% of total development gross acreage	RY	Rear Yard Setback	35 ft. min.
			CSY	Corner Side Yard Setback	25 ft. min.
BUILDING STANDARDS			ISB	Internal Setbacks Between Buildings on Same Lot	Front to Front : 70 ft. min. Side to Side: 20 ft. min. Front to Side or Rear to Rear: 55 ft. min.
H	Building Height	35 ft. max.			
	Number of Stories	3 max.			

#### Reference to Other Standards

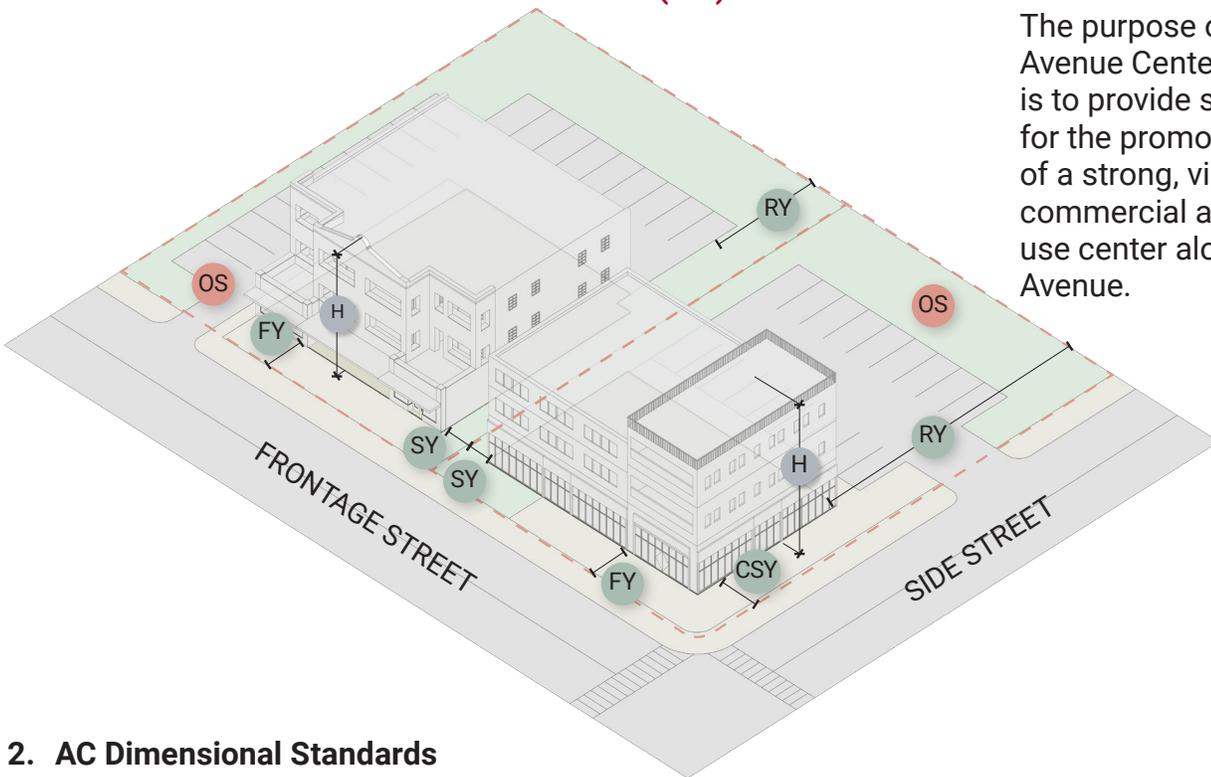
- » Uses and Use Standards: See [Article 3](#);
- » Accessory structure setbacks: See [Article 4B](#)
- » Development Standards - Multi-Unit Attached Residential Uses: See [Article 4B](#)

## DIVISION 4. COMMERCIAL, INDUSTRIAL, AND MIXED-USE DISTRICTS, ZONES AND REGULATIONS

### Section 18-221 Established Commercial, Industrial, and Mixed-Use Districts and Zones

DISTRICTS	ABBREVIATION	SECTION
Avenue Center District	AC	§18-222
Avenue East Gateway District	AE	§18-223
Avenue West Gateway District	AW	§18-224
Church Street District	CS	§18-225
Gateway South District	GS	§18-226
Corporate Park District	CP	§18-227
Mill District	M	§18-228
ZONES	ABBREVIATION	SECTION
Neighborhood Mixed Use Zone	NM	§18-229
Transitional Zone	T	§18-230

## Section 18-222 Avenue Center District (AC)



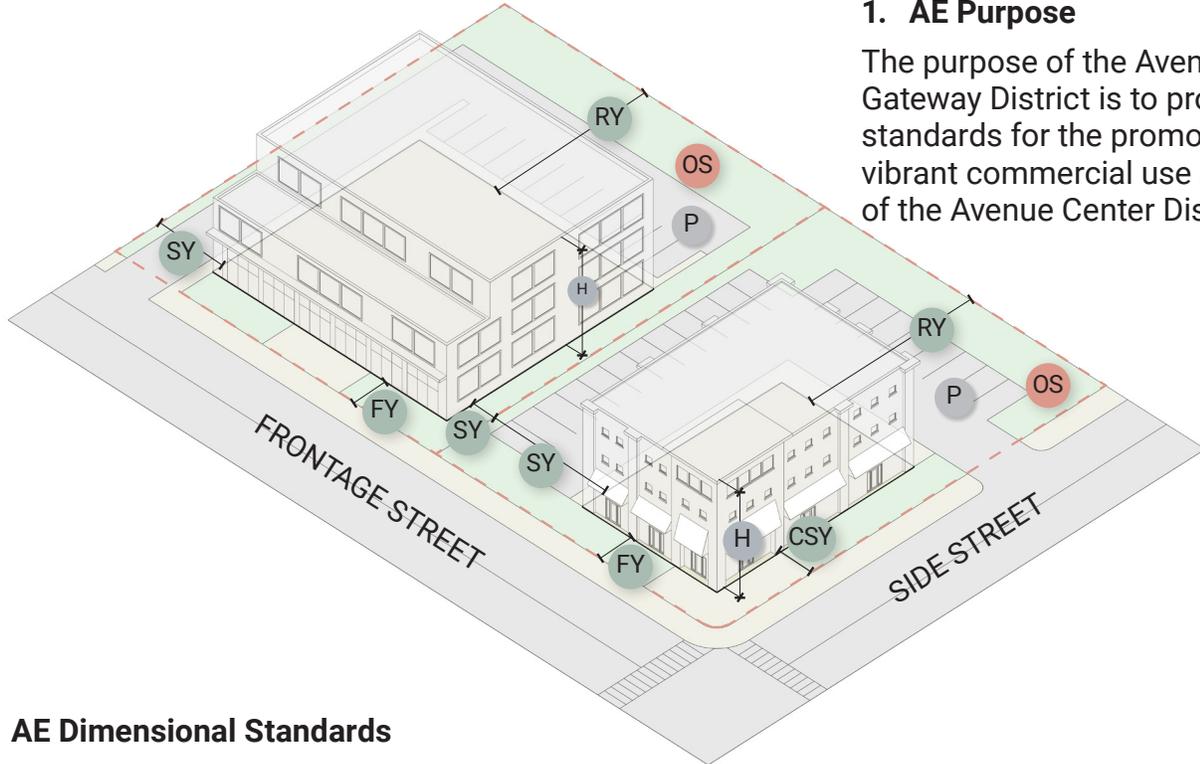
### 1. AC Purpose

The purpose of the Avenue Center District is to provide standards for the promotion of a strong, vibrant commercial and mixed-use center along Maple Avenue.

### 2. AC Dimensional Standards

LOT STANDARDS		BUILDING PLACEMENT STANDARDS	
OS	Open Space	15% min.	
BUILDING STANDARDS			
H	Building Height	42 ft. max. 35 ft. max. within 95 ft. of a residential property, including across adjoining public right-of-ways	
	Ground Floor Height	16 ft. min. floor-to-floor	
	Building Wall Plane	No building wall plane shall extend for more than 60 ft. without a wall offset of 4 ft. min.	
	Building Length	350 ft. max. Between 200 ft. and 350 ft. in length, must provide a facade break of 60 ft. in width min. and 30 ft. in depth min.	
FY	Front Yard Setback	18 ft. min.	
SY	Side Yard Setback	0 ft. except as determined by building code.	
RY	Rear Yard Setback	10 ft. min. 30 ft. min. if property abuts a residential zone or residential use.	
CSY	Corner Side Yard Setback	18 ft. min.	
ISB	Internal Setbacks Between Buildings on Same Lot	Front to Front : 70 ft. min. Side to Side: 20 ft. min. Front to Side or Rear to Rear: 55 ft. min.	
<b>Reference to Other Standards</b>			
» Uses and Use Standards: See <a href="#">Article 3</a> ;			
» Development Standards - Commercial, Industrial, and Mixed-Uses: See <a href="#">Article 5A</a>			
» Development Standards - Public, Institutional and Community Uses: See <a href="#">Article 5B</a>			
» Avenue Center Amenity Overlay: See <a href="#">§18-222</a>			

**Section 18-223 Avenue East Gateway District (AE)**



**1. AE Purpose**

The purpose of the Avenue East Gateway District is to promote standards for the promotion of a vibrant commercial use area east of the Avenue Center District.

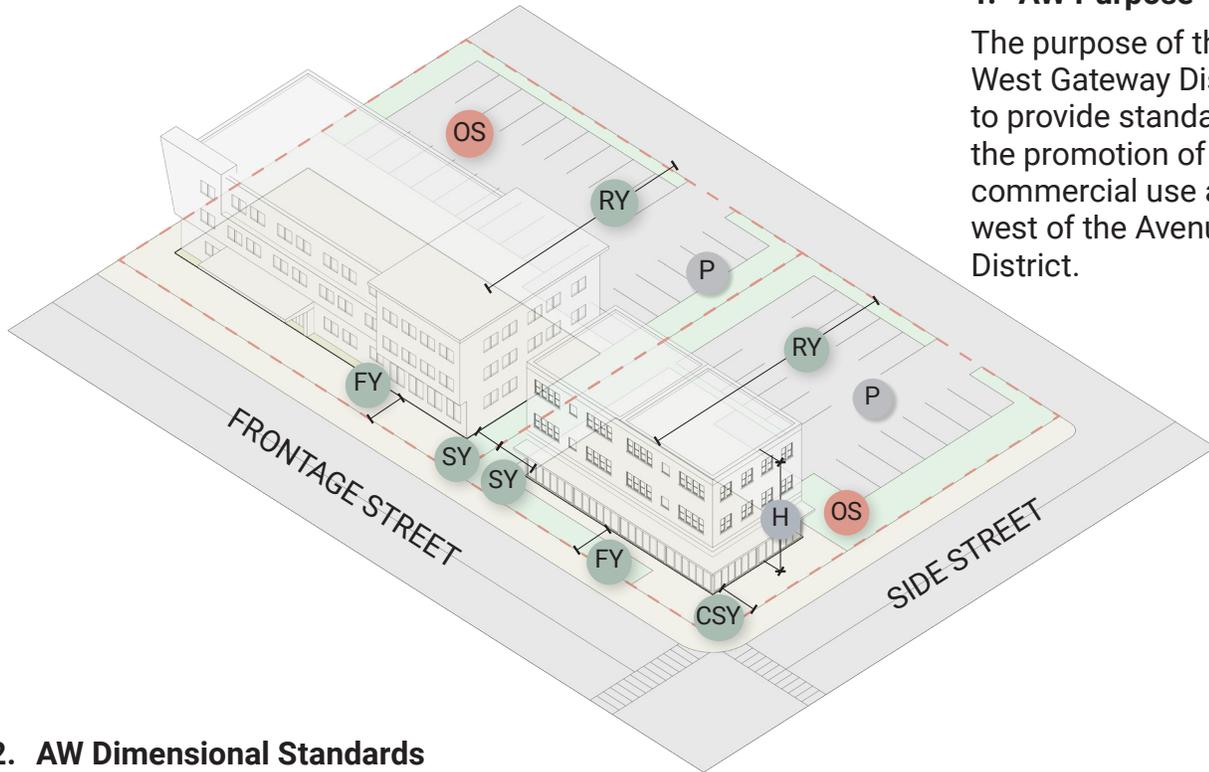
**2. AE Dimensional Standards**

LOT STANDARDS		BUILDING PLACEMENT STANDARDS	
OS	Open Space	15% min.	
<b>BUILDING STANDARDS</b>		FY	Front Yard Setback
H	Building Height	18 ft. min.	
	Ground Floor Height	16 ft. min. floor-to-floor	
	Building Wall Plane	No building wall plane shall extend for more than 60 ft. without a wall offset of 4 ft. min.	
	Building Length	350 ft. max.	
		Between 200 ft. and 350 ft. in length, must provide a facade break of 60 ft. in width min. and 30 ft. in depth min.	
		SY	Side Yard Setback
		10 ft. min.	0 ft. min. if no windows or doors are located on that side of the building
		RY	Rear Yard Setback
		20 ft. min.	30 ft. min. if property abuts a residential zone or residential use.
		CSY	Corner Side Yard Setback
		18 ft. min.	
		ISB	Internal Setbacks Between Buildings on Same Lot
			Front to Front : 70 ft. min.
			Side to Side: 20 ft. min.
			Front to Side or Rear to Rear: 55 ft. min.

**Reference to Other Standards**

- » Uses and Use Standards: See [Article 3](#);
- » Development Standards - Commercial, Industrial, and Mixed-Uses: See [Article 5A](#)
- » Development Standards - Public, Institutional and Community Uses: See [Article 5B](#)

## Section 18-224 Avenue West Gateway District (AW)



### 1. AW Purpose

The purpose of the Avenue West Gateway District is to provide standards for the promotion of a vibrant commercial use area west of the Avenue Center District.

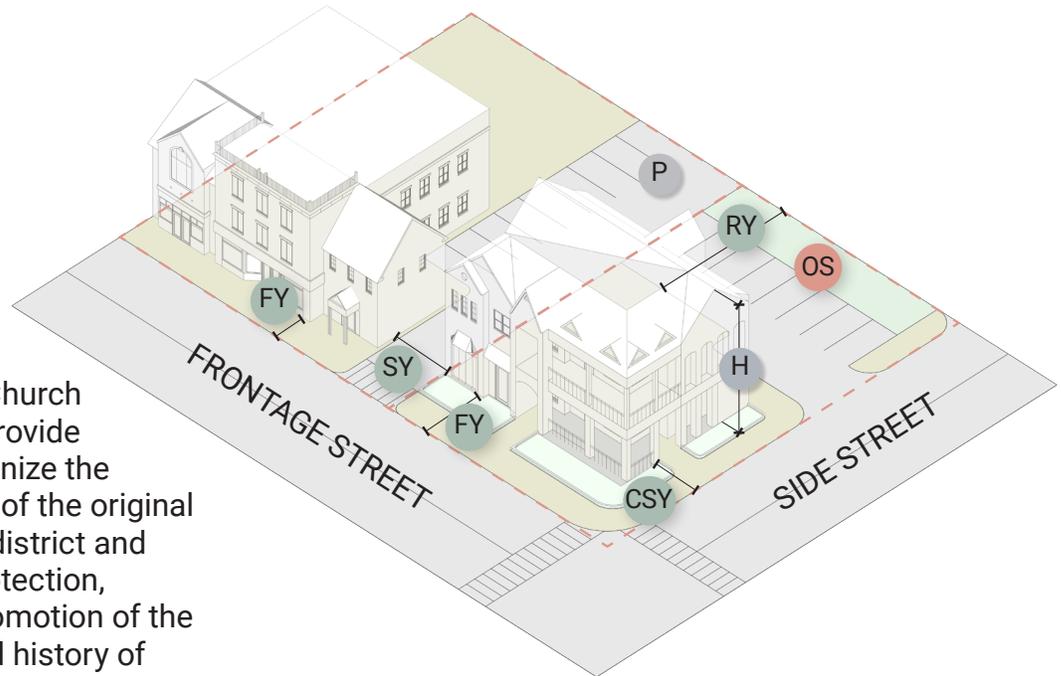
### 2. AW Dimensional Standards

LOT STANDARDS		BUILDING PLACEMENT STANDARDS	
OS	Open Space	15% min.	
BUILDING STANDARDS			
H	Building Height	35 ft. max.	
	Ground Floor Height	16 ft. min. floor-to-floor	
	Building Wall Plane	No building wall plane shall extend for more than 60 ft. without a wall offset of 4 ft. min.	
	Building Length	350 ft. max. Between 200 ft. and 350 ft. in length, must provide a facade break of 60 ft. in width min. and 30 ft. in depth min.	
FY	Front Yard Setback	18 ft. min.	
SY	Side Yard Setback	10 ft. min. 0 ft. min. if no windows or doors are located on that side of the building	
RY	Rear Yard Setback	20 ft. min. 30 ft. min. if property abuts a residential zone or residential use.	
CSY	Corner Side Yard Setback	18 ft. min.	
ISB	Internal Setbacks Between Buildings on Same Lot	Front to Front : 70 ft. min. Side to Side: 20 ft. min. Front to Side or Rear to Rear: 55 ft. min.	

#### Reference to Other Standards

- » Uses and Use Standards: See [Article 3](#);
- » Development Standards - Commercial, Industrial, and Mixed-Uses: See [Article 5A](#)
- » Development Standards - Public, Institutional and Community Uses: See [Article 5B](#)

## Section 18-225 Church Street District (CS)



### 1. CS Purpose

The purpose of the Church Street District is to provide standards that recognize the distinctive character of the original Vienna commercial district and to provide for the protection, preservation, and promotion of the traditional image and history of this unique area.

### 2. CS Dimensional Standards

#### LOT STANDARDS

OS Open Space 10% min.

#### BUILDING STANDARDS

H	Building Height	35 ft. max. 50 ft. max for municipal parking structures
	Ground Floor Height	16 ft. min. floor-to-floor

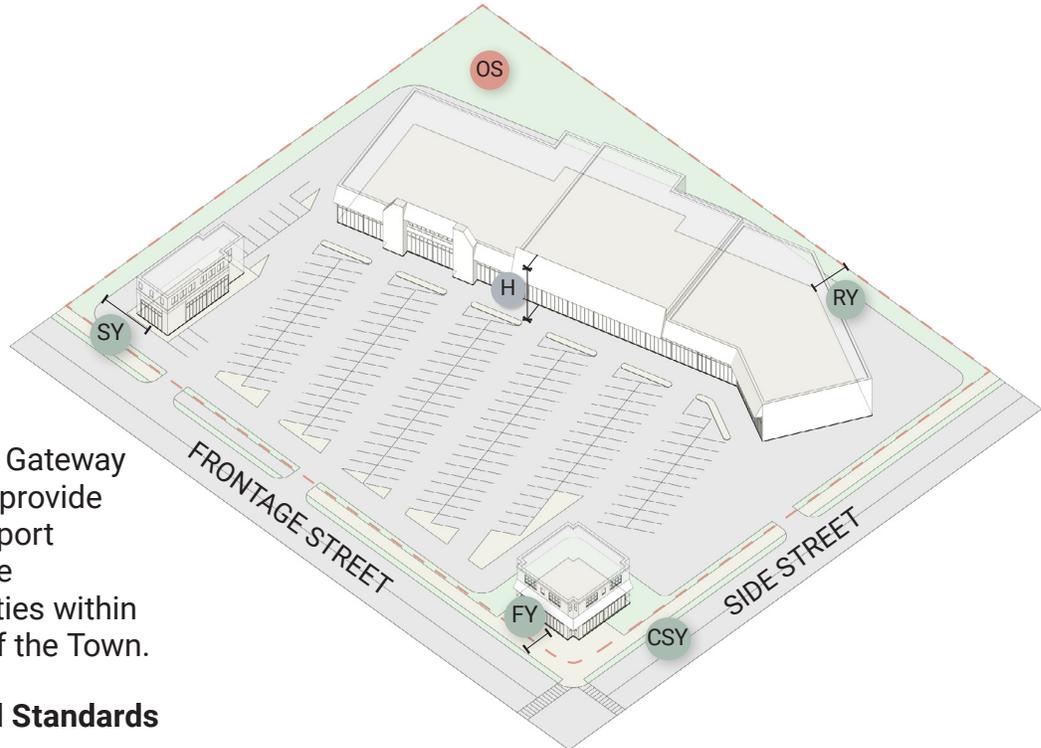
#### BUILDING PLACEMENT STANDARDS

FY	Front Yard Setback	Interior lots must alternate front yard setbacks using one of the following: 5 ft.; 7 ft., 8 in.; or 10 ft., 4 in. Corner lots must have a front yard setback of at least 10 ft.
SY	Side Yard Setback	10 ft. min. 0 ft. min. if no windows or doors are located on that side of the building
RY	Rear Yard Setback	10 ft. min. 0 ft. min. if no windows or doors are located on the rear of the building
CSY	Corner Side Yard Setback	15 ft. min.

#### Reference to Other Standards

- » Uses and Use Standards: See [Article 3](#);
- » Development Standards - Commercial, Industrial, and Mixed-Uses: See [Article 5A](#)
- » Development Standards - Public, Institutional and Community Uses: See [Article 5B](#)
- » Church Street Vision Incentive Overlay: See [§18-236](#)

## Section 18-226 Gateway South District (GS)



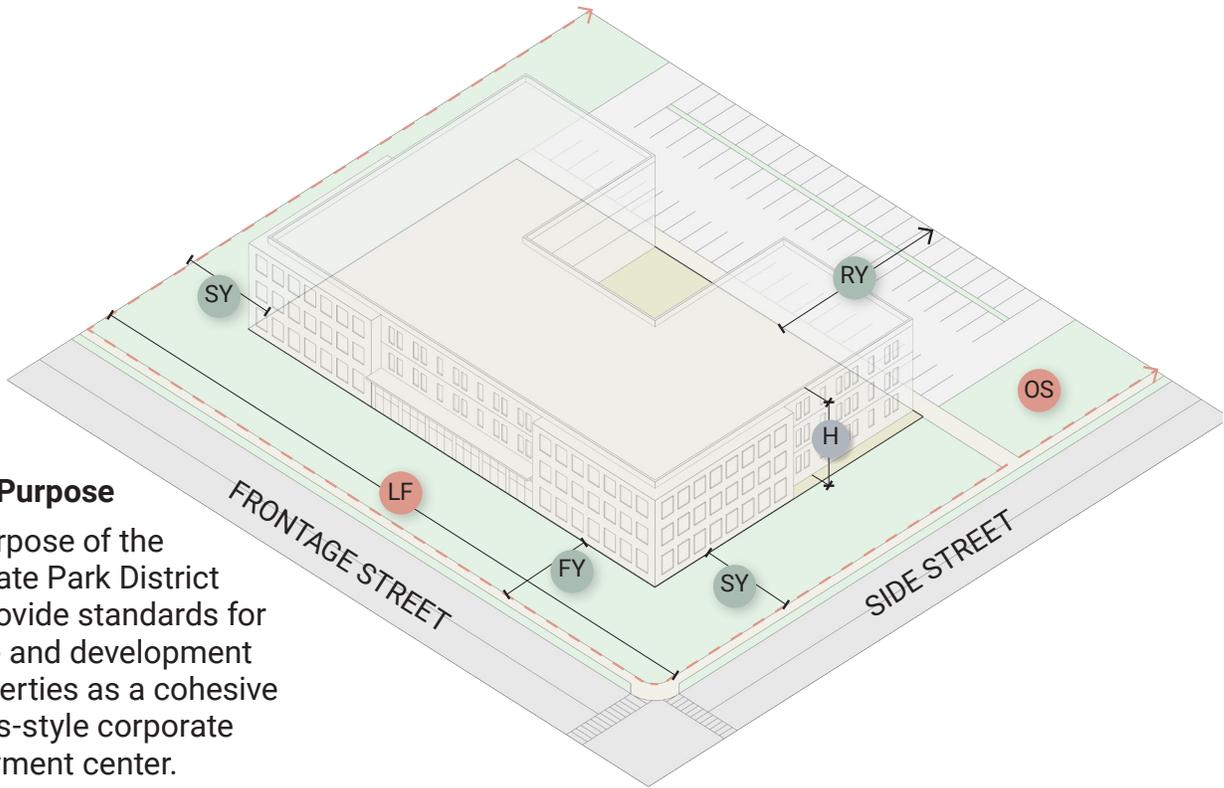
### 1. GS Purpose

The purpose of the Gateway South District is to provide standards that support neighborhood-scale commercial amenities within the southern end of the Town.

### 3. GS Dimensional Standards

LOT STANDARDS		BUILDING PLACEMENT STANDARDS	
OS	Open Space	15% min.	
<b>BUILDING STANDARDS</b>		FY	Front Yard Setback
H	Building Height	15 ft. min.	
	42 ft. max. 35 ft. max. within 95 ft. of a residential property, including across adjoining public right-of-ways	SY	Side Yard Setback
	Ground Floor Height	10 ft. min.; or 0 ft. min. if no windows or doors are located on that side of the building	
	Building Wall Plane	RY	Rear Yard Setback
	No building wall plane shall extend for more than 60 ft. without a wall offset of 4 ft. min.	20 ft. min.; or 30 ft. min. if property abuts a residential zone or residential use.	
	Building Length	CSY	Corner Side Yard Setback
	350 ft. max. Between 200 ft. and 350 ft. in length, must provide a facade break of 60 ft. in width min. and 30 ft. in depth min.	15 ft. min.	
		ISB	Internal Setbacks
		Front to Front : 70 ft. min. Side to Side: 20 ft. min. Front to Side or Rear to Rear: 55 ft. min.	
		<b>Reference to Other Standards</b>	
		» Uses and Use Standards: See <a href="#">Article 3</a> ;	
		» Development Standards - Commercial, Industrial, and Mixed-Uses: See <a href="#">Article 5A</a>	
		» Development Standards - Public, Institutional and Community Uses: See <a href="#">Article 5B</a>	

## Section 18-227 Corporate Park District (CP)



### 1. CP Purpose

The purpose of the Corporate Park District is to provide standards for the use and development of properties as a cohesive campus-style corporate employment center.

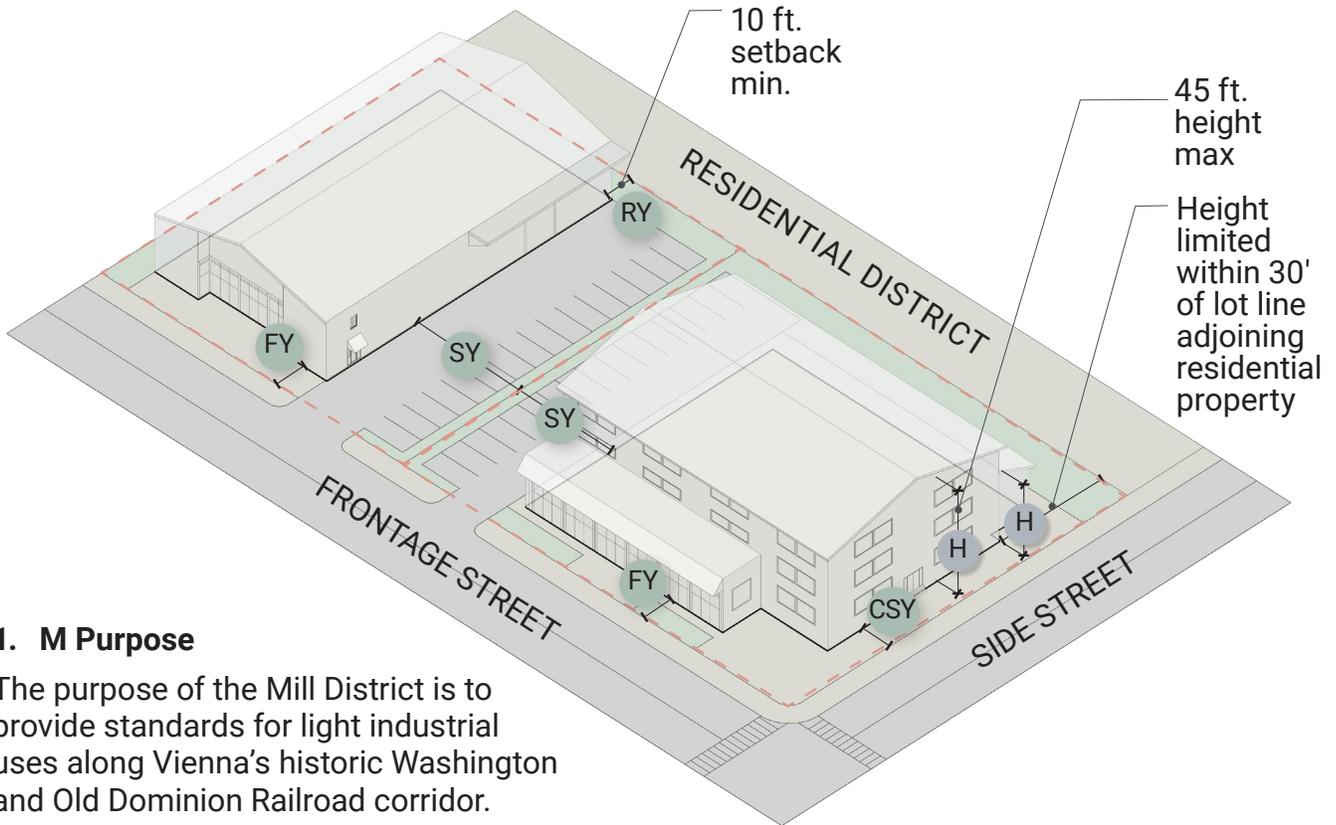
### 2. CP Dimensional Standards

LOT STANDARDS		BUILDING PLACEMENT STANDARDS	
LF	Lot Frontage	150 ft. min.	
		100 ft. min. for lots on cul-de-sac or on street curves	
OS	Open Space	30% min.	
BUILDING STANDARDS			
H	Building Height	45 ft. max., not including rooftop equipment	
			FY Front Yard Setback 50 ft. min. 100 ft. min. if abuts a residential zone
			SY Side Yard Setback 50 ft. min. (each side) 100 ft. min. if abuts a residential zone
			RY Rear Yard Setback 50 ft. min. 100 ft. min. if abuts a residential zone
			Distance from Street Right-of-Way (R.O.W.) 50 ft. min.

### Reference to Other Standards

- » Uses and Use Standards: See [Article 3](#);
- » Development Standards - Commercial, Industrial, and Mixed-Uses: See [Article 5A](#)
- » Development Standards - Public, Institutional and Community Uses: See [Article 5B](#)
- » Corporate Park District Performance Standards: See [Article 5A Division 8](#)

**Section 18-228 Mill District (M)**



**1. M Purpose**

The purpose of the Mill District is to provide standards for light industrial uses along Vienna’s historic Washington and Old Dominion Railroad corridor.

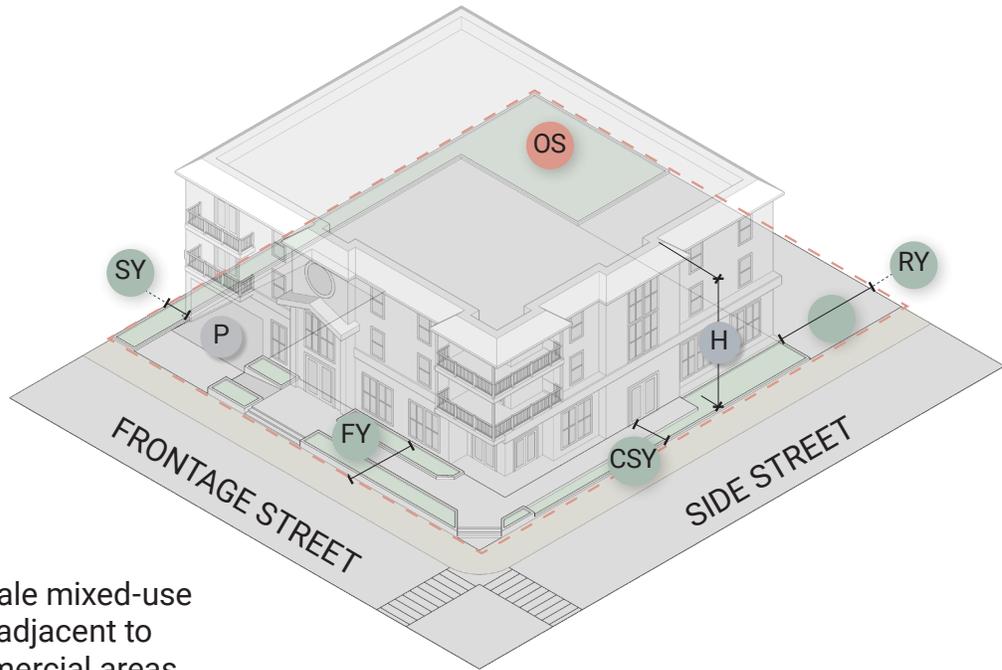
**2. M Dimensional Standards**

BUILDING STANDARDS			BUILDING PLACEMENT STANDARDS		
H	Building Height	45 ft. max.; or 38 ft. max. if lot abuts a residential district and rear yard setback of less than 30 ft. is provided.	FY	Front Yard Setback	15 ft. min.
			SY	Side Yard Setback	Minimum required by Virginia Uniform Statewide Building Code.
			RY	Rear Yard Setback	10 ft. min.; or If rear yard abuts a residential district, the minimum is 10 ft. when building height is limited to 38 ft.; or If rear yard abuts a residential district, the minimum is 30 ft. when building height is limited to 45 ft.
			CSY	Corner Side Yard Setback	15 ft. min.

**Reference to Other Standards**

- » Uses and Use Standards: See [Article 3](#);
- » Development Standards - Commercial, Industrial, and Mixed-Uses: See [Article 5A](#)
- » Development Standards - Public, Institutional and Community Uses: See [Article 5B](#)

## Section 18-229 Neighborhood Mixed-Use Zone (NM)



### 1. NM Purpose

The purpose of the Neighborhood Mixed-Use Zone is to provide standards for neighborhood-scale mixed-use development that is adjacent to residential and commercial areas, to promote, respect, and protect the existing character of adjacent residential areas.

### 2. NM Dimensional Standards

#### LOT STANDARDS

OS Open Space 25% min.

#### BUILDING STANDARDS

H Building Height 35 ft. max.

#### BUILDING PLACEMENT STANDARDS

FY Front Yard Setback 15 ft. min.

SY Side Yard Setback 12 ft. min.

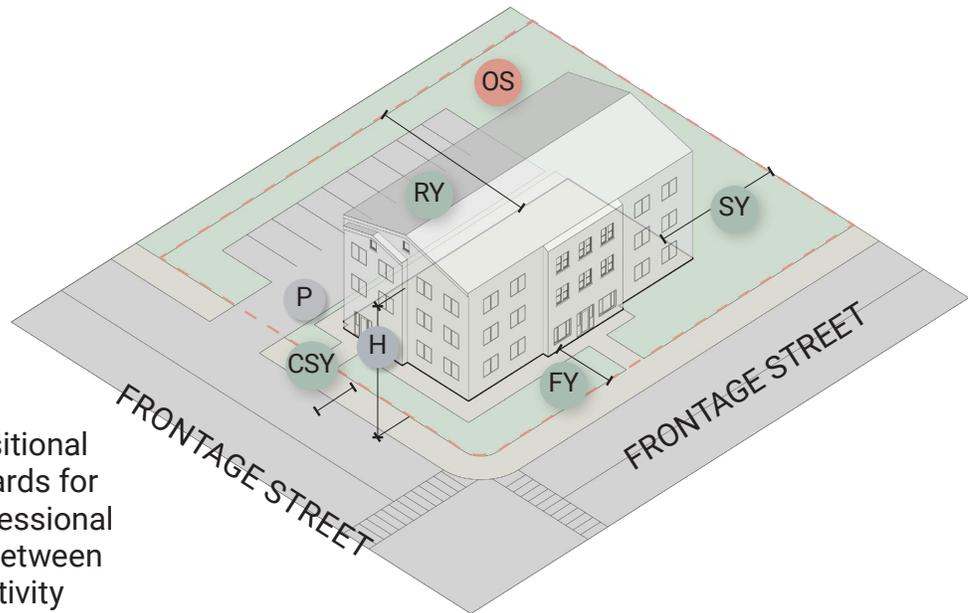
RY Rear Yard Setback 20 ft. min.

CSY Corner Side Yard Setback 20 ft. min.

#### Reference to Other Standards

- » Uses and Use Standards: See [Article 3](#);
- » Development Standards - Commercial, Industrial, and Mixed-Uses: See [Article 5A](#)
- » Development Standards - Public, Institutional and Community Uses: See [Article 5B](#)

## Section 18-230 Transitional Zone (T)



### 1. T Purpose

The purpose of the Transitional Zone is to provide standards for neighborhood-scale professional offices that are located between residential and higher-activity commercial areas, to provide businesses space while promoting, protecting, and respecting the existing character of adjacent residential areas.

### 2. T Dimensional Standards

#### LOT STANDARDS

OS Open Space 25% min.

#### BUILDING STANDARDS

H Building Height 35 ft. max.

#### BUILDING PLACEMENT STANDARDS

FY Front Yard Setback 15 ft. min.

SY Side Yard Setback 12 ft. min.

RY Rear Yard Setback 20 ft. min.

CSY Corner Side Yard Setback 20 ft. min.

### Reference to Other Standards

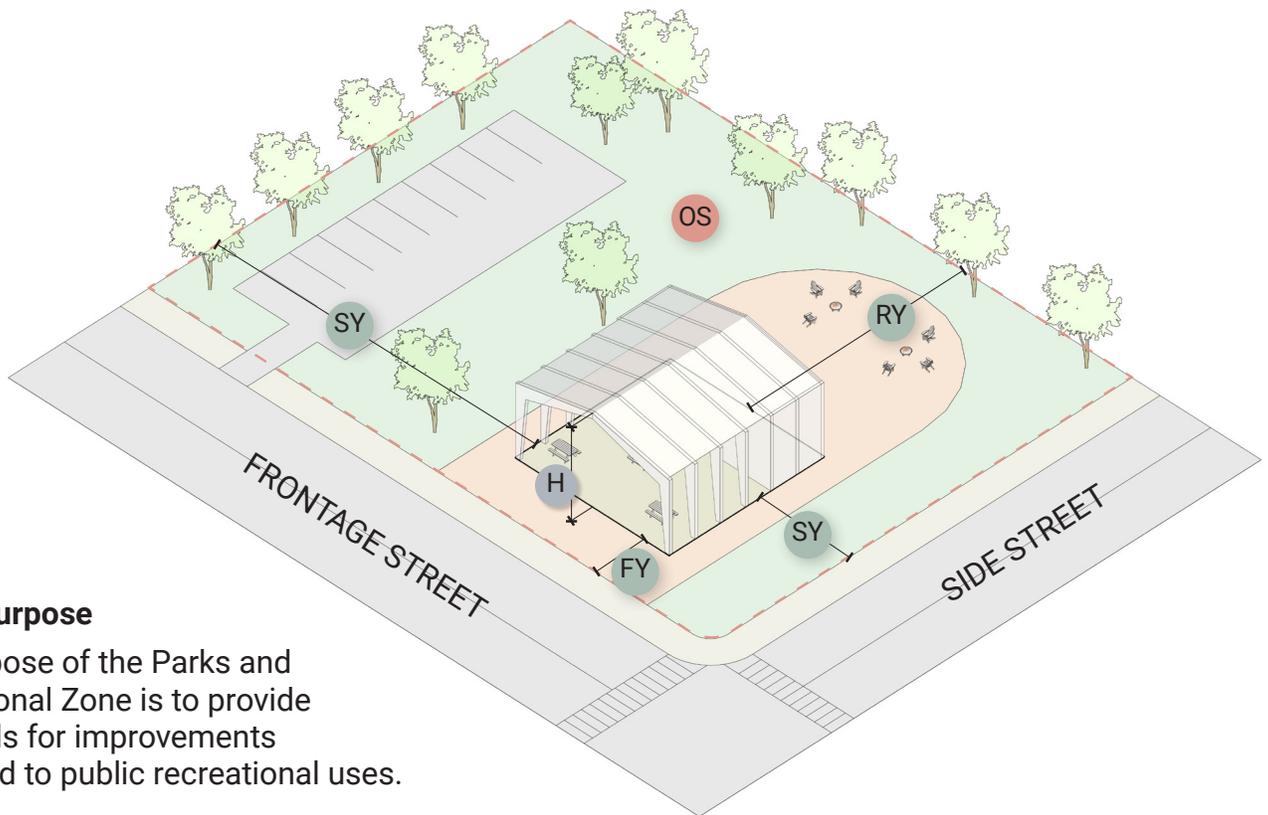
- » Uses and Use Standards: See [Article 3](#);
- » Development Standards - Commercial, Industrial, and Mixed-Uses: See [Article 5A](#)

**DIVISION 5. PARKS ZONES**

**Section 18-231 Established Parks Zones**

ZONES	ABBREVIATION	SECTION
Parks and Recreational Zone	PR	§18-232
Parks and Conservation Zone	PC	§18-233

## Section 18-232 Parks and Recreational Zone (PR)



### 1. PR Purpose

The purpose of the Parks and Recreational Zone is to provide standards for improvements dedicated to public recreational uses.

### 2. PR Dimensional Standards

#### LOT STANDARDS

OS	Open Space	60% min., which may include structures, such as but not limited to bleachers, playground equipment, in-ground permanent swimming pools, picnic structures, trails, tennis courts, and playing fields.
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#### BUILDING PLACEMENT STANDARDS

FY	Front Yard Setback	15 ft. min.
SY	Side Yard Setback	15 ft. min.
RY	Rear Yard Setback	25 ft. min.

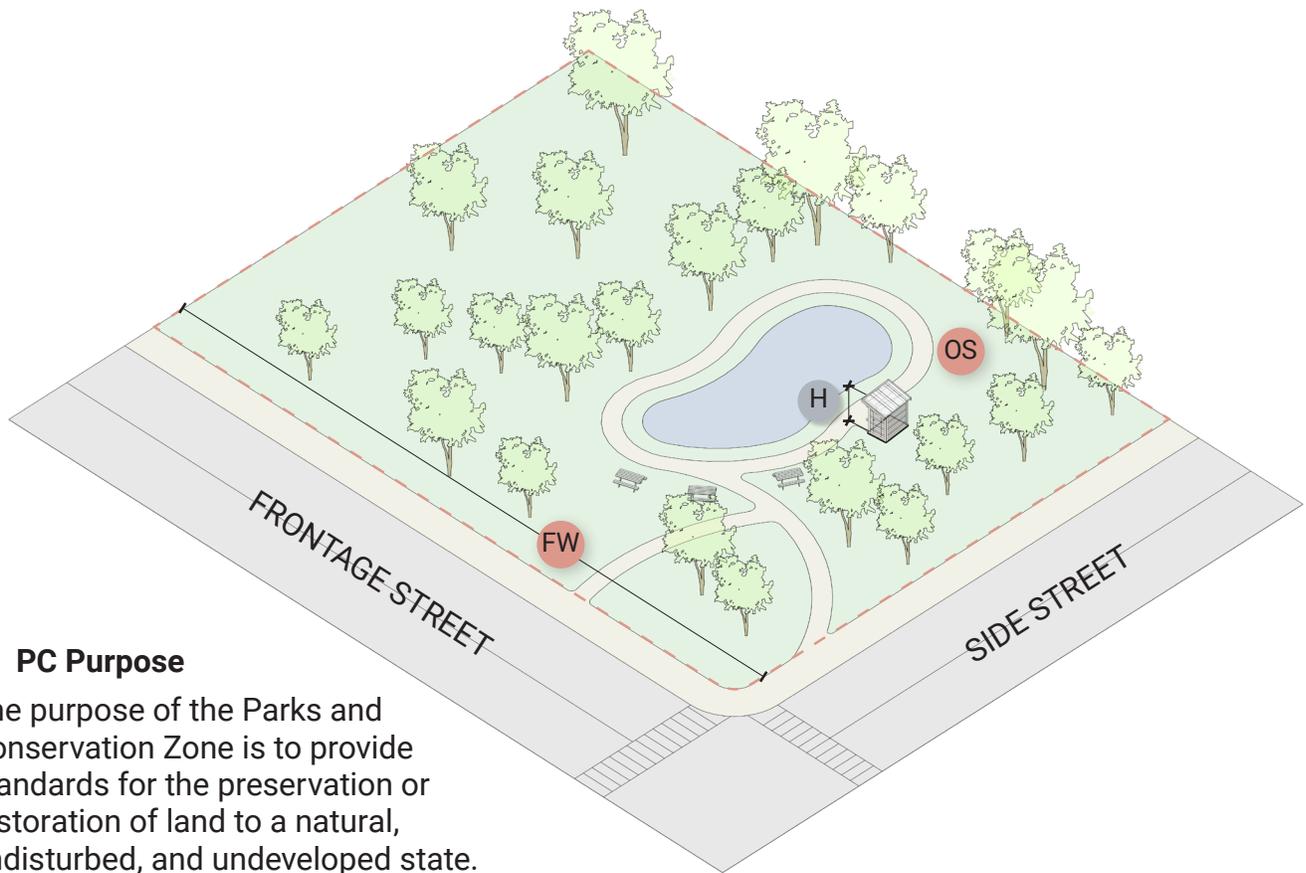
#### BUILDING STANDARDS

H	Building Height	35 ft. max.
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#### Reference to Other Standards

- » Uses and Use Standards: See [Article 3](#);
- » Development Standards - Public, Institutional and Community Uses: See [Article 5B](#)

**Section 18-233 Parks and Conservation Zone (PC)**



**1. PC Purpose**

The purpose of the Parks and Conservation Zone is to provide standards for the preservation or restoration of land to a natural, undisturbed, and undeveloped state.

**2. PC Dimensional Standards**

**LOT STANDARDS**

	Lot Area	5 ac. min. if not abutting another lot in the PC Zone; no min. if abutting another lot in the PC Zone
FW	Lot Width at Front Lot Line	75 ft. min.
OS	Open Space	90% min.

**BUILDING PLACEMENT STANDARDS**

FY	Front Yard Setback	15 ft. min.
SY	Side Yard Setback	15 ft. min.
RY	Rear Yard Setback	25 ft. min.

**BUILDING STANDARDS**

H	Building Height	14 ft. max.
	Aggregate area of buildings	150 sq. ft. max.

**Reference to Other Standards**

- » Uses and Use Standards: See [Article 3](#);
- » Development Standards - Public, Institutional and Community Uses: See [Article 5B](#)

## DIVISION 6. OVERLAY DISTRICTS

### Section 18-234 Established Overlay Districts

ZONES	ABBREVIATION	SECTION
Avenue Center Amenity Overlay	AC-O	§18-235
Church Street Vision Incentive Overlay	CS-O	§18-236
Windover Heights Historic Overlay	WH-O	§18-237
Church Street Vision Incentive Overlay	CB-O	§18-238

## Section 18-235 Avenue Center Amenity Overlay (AC-O)

### 1. AC-O Purpose

The purpose of the Avenue Center Amenity Overlay District is to accommodate rooftop amenities that may exceed the building height regulations applicable to the base zone or district in which the structure is located, while respecting and promoting the small-town character of Vienna.

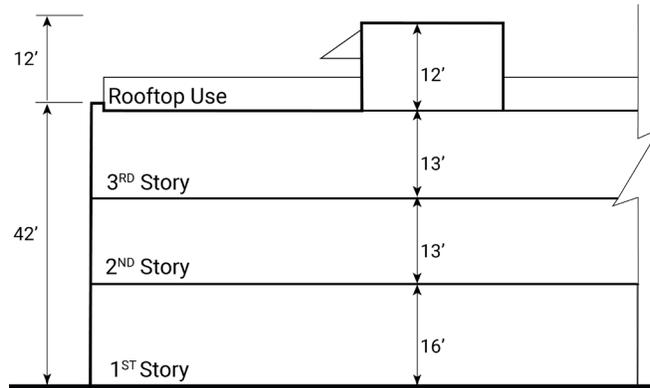


Figure 2.13. Example of building section with a rooftop use as permitted within the Avenue Center Amenity Overlay District.

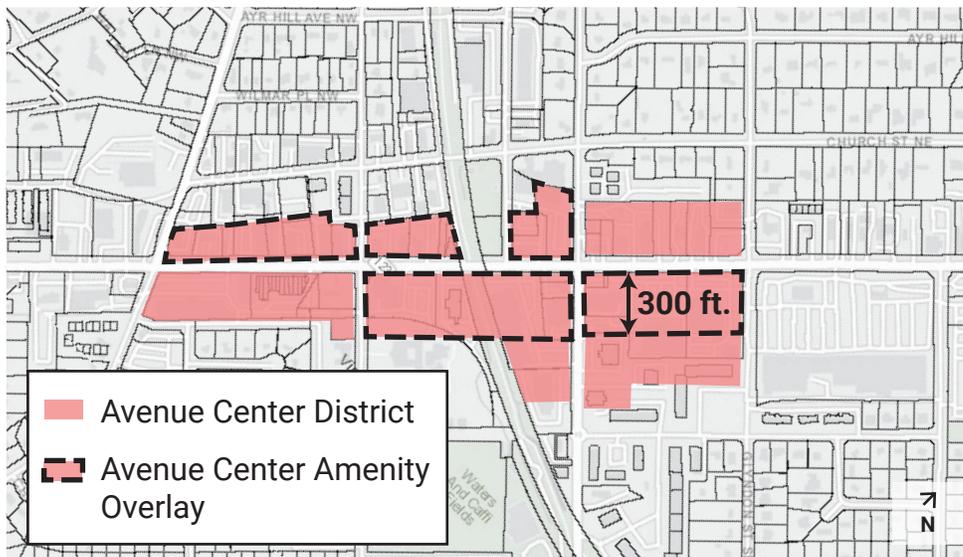


Figure 2.14. Reference map of the Avenue Center Amenity Overlay.

### 2. AC-O Dimensional Standards

#### BUILDING STANDARDS

H	Building Height	42 ft. max. For any structure with a publicly accessible rooftop use (e.g., rooftop dining) an additional 12 feet is permitted for elevator and/or stair access penthouse use only
	Rooftop Use Location	A rooftop elevator shaft or penthouse must be centered on the building roof, set back 10 ft. min. from the building's sides and 20 ft. min. from its front and rear.

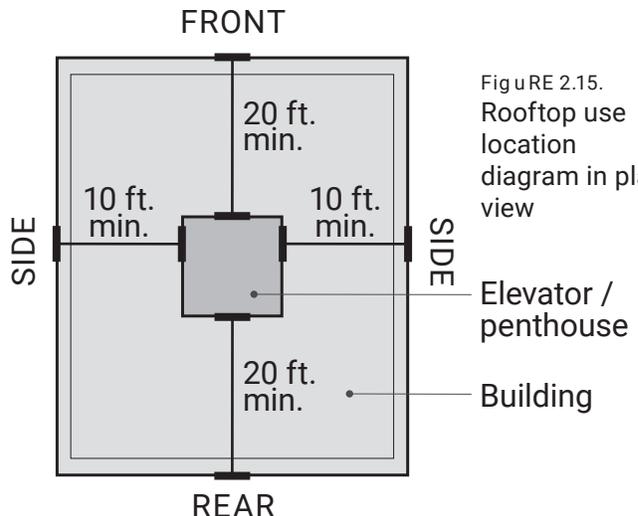


Figure 2.15. Rooftop use location diagram in plan view

## Section 18-236 Church Street Vision Incentive Overlay (CS-O)



Figure 2.16.  
Reference map of the Church Street Overlay.

### 1. CS-O Purpose

- A. The purpose of the Church Street Vision Incentive Overlay (CS-O) is to to legislatively recognize the distinctive character of the original old Vienna commercial district and to provide for the protection and preservation of the traditional image and history of that unique area as it presently exists and to encourage and enhance future development, utilizing that character and heritage as symbolized by excellence in design, architecture and that period development of the Town in early years while blending private with public development and maintenance of that valuable distinct character.
- B. In furtherance of the above purposes, the Town has expended substantial sums in capital improvement programs to enhance the utilities, landscaping, streetscaping, public ways and general municipal character of the district in harmony with that character and heritage.
- C. The Town acknowledges by legislative recognition that, because of the unique traditional nature of the particular district, accomplishment of the intended goals of this article may not always be achieved or be achievable within the strict requirements of this chapter.
- D. Strict application of the terms of this chapter in general could effectively prohibit achievement of those goals and prevent the most practical, efficient and aesthetic development of area sites in furtherance of the purposes of this article. Therefore, certain modifications, waivers and variations are required to accomplish the intended well-planned development necessary to achieve the desired character.

## 2. Declaration of intent

- A. The Town Council has made the legislative determination that the preservation of the existing traditional period character of the zone and the encouragement of future development within the zone in keeping with those same high standards of that Vienna character and heritage is in the best interests of the community, will promote long-term economic growth, encourage the optimum use of the real estate within the zone, attract new business, enhance the tax base of real estate and the taxable value of businesses within the area, encourage employment and commercial growth, and in general benefit the health, safety and welfare of the community as a whole.
- B. The Town Council declares further that it is in the best interests of the community and the owners of the property within the zone that the goals of this article are best achieved voluntarily through the cooperative efforts of property owners and the Town, and that the historic nature, unique character, and heritage of the area are best preserved without mandatory legislative imposition of historic preservation regulations or districting. Rather, the goals of this article will be best achieved through the prudent exercise of site plan powers enjoyed by the Town Council when the same are merged with the application of the incentive land use principles contemplated by incentive zoning as defined in Code of Virginia, § 15.2-2201, by the grant of bonuses in the form of selective site plan modifications by the Town to a developer or property owner in return for that developer or property owner providing within a development, construction or reconstruction, certain predefined design and plan features and amenities desired by the Town and legislatively adopted herein.

## 3. Modification of General Regulations

- A. The provisions of §18-225 shall not apply to development, construction, or reconstruction in the Church Street District (CS) when, as an incident to that development, construction or reconstruction, adopted building design features and site plan features are voluntarily proffered by the owner or developer, and accepted by the Town in return for the grant of bonus incentives by the Town to and acceptance by the developer or owner through site plan modifications in lieu of the provisions of §18-225 . Upon acceptance by the parties, such features and bonuses shall run with the land.
- B. in addition to modifications authorized in Article 8, the Town Council is authorized to grant as modifications to site plans in the CS-O overlay incentive bonuses as adopted in §18-836.7 in return for the voluntary proffer and acceptance by an owner or developer of building design features and site plan features provided for in section 18-223 when the same are desired by and acceptable to the Town in furtherance of the purposes of this article.
- C. Modifications consisting solely of those design features, site features and incentive bonuses which have been previously legislated and incorporated by the council into §18-236, shall not require recommendation of the planning commission prior to granting by the council.
- D. All modifications shall provide a landscape site plan and for the continual maintenance thereof.

**4. Building and plan design features**

- A. In furtherance of the legislative intent of the Church Street Vision Incentive Overlay (CS-O) and to project continuity in harmony of character in the area, there are hereby adopted the following building design features and site plan features which are declared acceptable for use in development in the CS-O overlay in satisfaction of the provisions of §18-236.
- B. These features were in their entirety approved by the Board of Architectural Review pursuant to the requirements of Chapter 4 prior to their adoption herein and any repeal or amendment of the same in this section must undergo prior review by the board pursuant to Chapter 4.
- C. The Zoning Administrator shall present all proposed amendments to this section to the Board of Architectural Review for the board's recommendation to the Town Council prior to presentation of the same to the Council. The Board of Architectural Review shall report its recommendations thereon to the Council within thirty (30) days of notification by the Zoning Administrator, and failure to report in such time shall constitute approval of the board.
- D. Conceptual architectural renderings**
  - i. The renderings contained herein represent a conceptual illustration of the acceptable architecture design and development standards. In brief, adjoining buildings are to be constructed at staggered setbacks along the front property line, building facade between setbacks will be continuous vertically from storefront at ground level to cornice, fascia, gutters etc. Roof forms, such as gabled, gambrel, sloped, flat with cornice etc. must be varied at setbacks and between second and third floor. No one roof form can continue beyond two setbacks. Parking is to be open between the lots, accessed from a common drive and located behind the buildings, and the architecture shall be reminiscent of



FIGURE 2.17.  
Example of  
conceptual  
architectural  
elevation



TOWN OF VIENNA, VIRGINIA  
**CHURCH STREET VISION**  
CONCEPTUAL ELEVATION



COURTESY OF PAUL LAYER, A.I.A.

turn-of-the-century Vienna, emphasizing street level design and pedestrian oriented spaces.

- ii. Each development shall be proportionate to the other in terms of height, scale and massing. While each building and site is developed independently and may incorporate many eclectic styles and design elements, the overall effect shall be a cohesive and comprehensive architectural area.
- iii. These renderings are not to be interpreted as working drawings, binding illustrations or specific requirements for any building or lot. The written guideline text is the applicable medium and, in the event of conflict between elements in any rendering and the written guideline text, the written guideline text shall prevail.

**E. Building Design Features.**

- i. These design guidelines illustrate ways construction may occur which will complement and enhance the Town's character. They are not intended to dictate a particular style but rather offer guidance to the development theme desired in the Church Street Vision Incentive Overlay (CS-O). Buildings and developments within the CS-O overlay shall incorporate Virginia vernacular and enhance architectural styles that are reminiscent of the Town's history between 1890 and 1930.

- ii. **Design goal:** To coordinate the visual and architectural characteristics in the CS-O overlay, emphasize Vienna's heritage, and create a pedestrian oriented streetscape.

**iii. Design objectives:**

- a. Preserve the character of the adjacent residential neighborhoods;
- b. Encourage reinvestment in the area by private property owners and merchants;
- c. Provide for at-grade separation of pedestrian and vehicular traffic through the use of on-street parking, centralized parking and clearly defined walkways.
- d. Integrate and enhance pedestrian walkways between commercial properties and public parks and lands;
- e. Maintain the character and heritage of the original historic Presbyterian Church, Freeman House and the Washington and Old Dominion (W&OD) Trail area as an enhanced public focal point and corridor gateway;
- f. Focus commercial activities, store fronts and signage at the pedestrian level.

**iv. Design policies:**

- a. Continue the undergrounding of individual building utility connections;
- b. Coordinate private development with the municipal Church Street streetscape project design elements;
- c. Encourage shared and public automobile parking facilities and non-motorized transportation alternatives.

**v. General design requirements:**

- a. Architectural styles for new buildings or the remodeling or renovation of existing buildings will be chosen from recommended characteristics shown in the conceptual architectural renderings appearing herein at §18-236 and Town history and enhance the character of the Church Street corridor.
- b. Building additions shall be compatible with the conceptual architecture and provide compatible details, scale, voids, materials and colors.
- c. The lower level of buildings shall offer a front design that is conducive to pedestrian activity and interest.
- d. Visual interest shall be provided along the street and pedestrian ways, such as entrances, display windows, landscape areas and outdoor seating.
- e. Primary customer entrances shall be designed and focused on the street front. Such entrances must be maintained and accessible as an entrance at all times. Any secondary entrance must mimic the materials and design of the primary entrance.
- f. Arcades are encouraged along the first floor of corner buildings but may not be used more frequently than every three store fronts or eighty (80) feet.
- g. Solid walls, dull or minimal facades will not be designed along streets or pedestrian ways.
- h. Building heights shall be compatible with adjacent buildings and the topography of the site and in compliance with the conceptual architectural renderings.
- i. Building setbacks of in-fill structures shall be consistent with neighboring structures and in compliance with staggered setback requirements.
- j. The width and proportion of building facades shall be compatible with the overall scale of the neighborhood. Where multiple developments are proposed, the development proposal shall create the feeling of architectural proportionality through exterior facade design.
- k. Courtyard style arrangements of buildings are encouraged along the W&OD Trail and at other suitable locations to emphasize pedestrian access and minimize automobile importance.
- l. Parking shall be designed to the rear of the lot when possible. When adjoining another lot with abutting parking, the lots will be integrated and opened to each other when practical.
- m. Landscaping shall be included around the parking facilities to ease their appearance in compliance with the submitted landscape plan.
- n. Landscape areas shall be used to enhance the buildings situation and orientation on a lot.
- o. Safe, convenient walkways shall be identified by paver materials that coordinate with the public sidewalks within the public street right-of-way.
- p. Lots in the CS-O overlay on the southern side of Church Street shall encourage pedestrian access to Maple Avenue by sidewalks or paths through the lots, tying the commercial corridors together both visually and physically.
- q. Signs shall be integrated into the design of the building. They shall not interfere

with the architectural integrity or features of the building and meet the sign design guidelines of this section. A complete sign package shall be designed in accordance with the design of the building, showing all intended signs along with font styles, attachment specifications standards, brackets, et. for reviews in conjunction with proposed building design.

- r. Exposed neon or any other similar linear or strip lighting shall not be visible from the street, regardless of form, size or interior location; it shall not be used as a building detail, decorative accent or signage.
- s. Materials used for construction will be consistent with the provisions of §18-236.
- t. Vinyl siding may not be used below the second floor on any wall or surface visible from a public way. Aluminum siding and buildings primarily of glass are prohibited.
- u. Awnings or canopies may only be used in restaurant areas with outdoor patron seating.
- v. Awnings and/or canopies will be made of fabric. Vinyl or plastic awnings or canopies are not permitted.
- w. Building equipment, such as generators and air conditioning units shall be screened from view in a manner compatible with the site and using materials similar to the building and harmonious with the design.

**vi. Conceptual plan**

The following rendering is a conceptual site plan with identified design elements satisfying §18-236. It should not be interpreted as a working drawing, binding illustration or specific requirement for any building or lot. The written guideline text is the applicable medium and in the event of any conflict between elements in the conceptual site plan and the written guideline text, the written guideline text shall prevail.

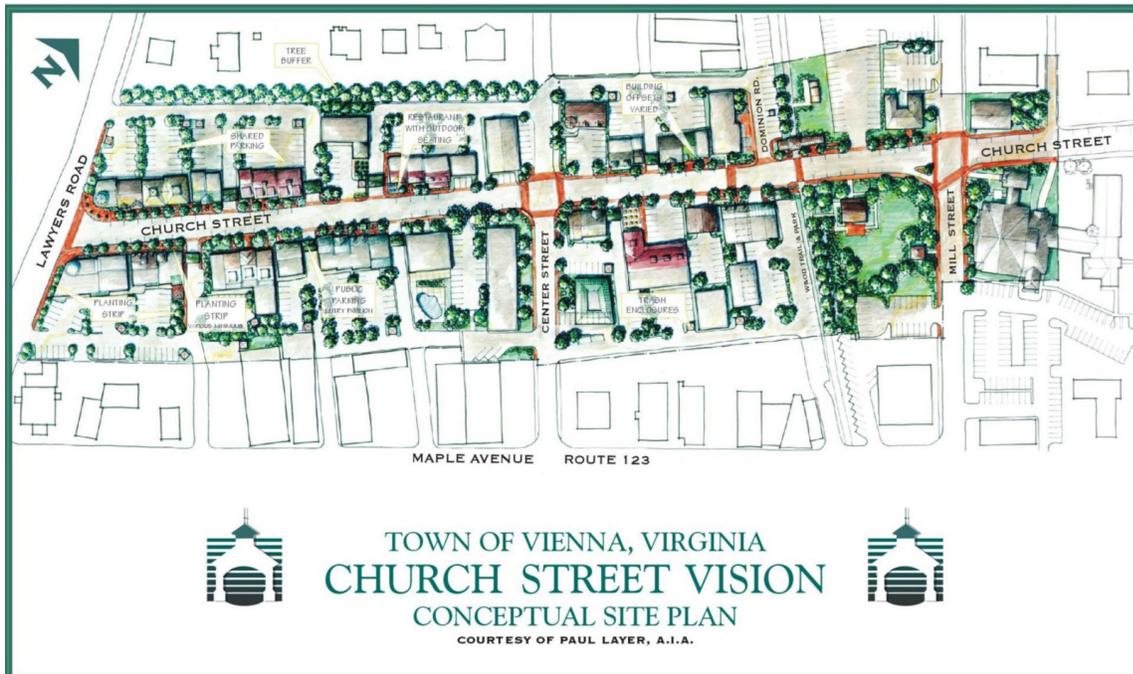


Figure 2.18. Conceptual site plan example

**F. Building setbacks and siting.** Buildings shall be constructed to meet the following setbacks and siting criteria:

- i. Buildings shall be placed forward on a lot to create a continuous street block. Buildings shall have a relationship to adjacent buildings and facades that creates a staggered building line along the street, consistent with the following criteria.
- ii. **Dimensional Standards:**

BUILDING PLACEMENT STANDARDS			BUILDING STANDARDS		
FY	Front Yard Setback	10 ft. min. for a maximum of 40 ft. of building frontage from corner if corner lot  Alternating setbacks of 5 ft. min, 7 ft 8 in. min, and 10 ft. 4 in. min. for a maximum of 40 ft.	H	Building Height	35 ft. max.  In-fill buildings shall be of compatible height with adjacent buildings whenever possible.
SY	Side Yard Setback	Minimum required by Virginia Uniform Statewide Building Code for interior lots  5 ft. min.; corner lot	<b>Reference to Other Standards</b> »Uses and Use Standards: See <a href="#">Article 3</a> ; »Development Standards - Commercial, Industrial, and Mixed-Uses: See <a href="#">Article 5A</a> »Development Standards - Public, Institutional and Community Uses: See <a href="#">Article 5B</a>		
RY	Rear Yard Setback	50 ft. min.			

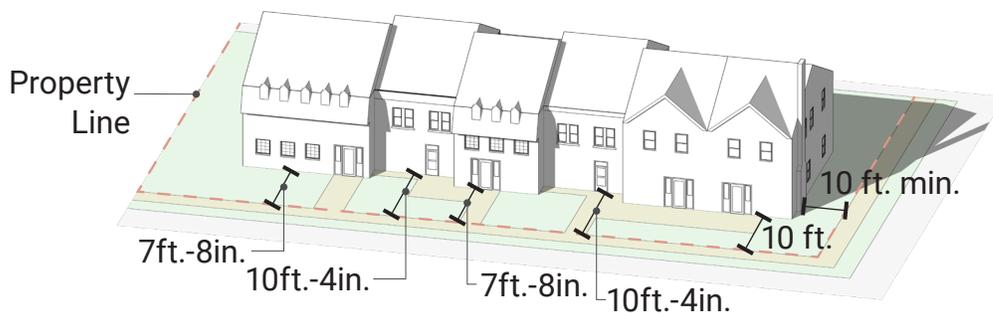


FIGURE 2.19. Illustration of staggered setbacks

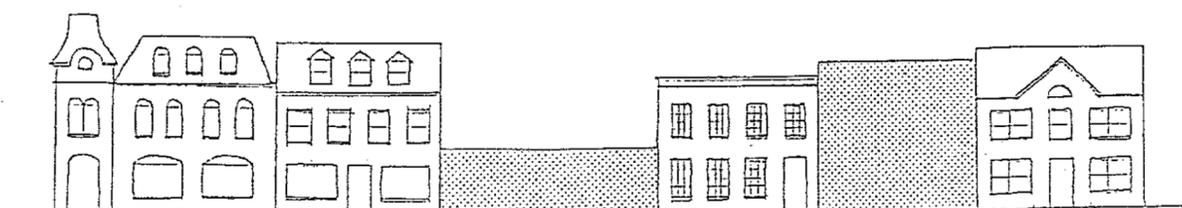


FIGURE 2.20. Illustration of recommended height

- iii. Siting. Parking is located behind the buildings which are pushed forward on the lot; Parking along the side of the building is screened by a wall; Parking is shared between properties and parking lots cross property lines.

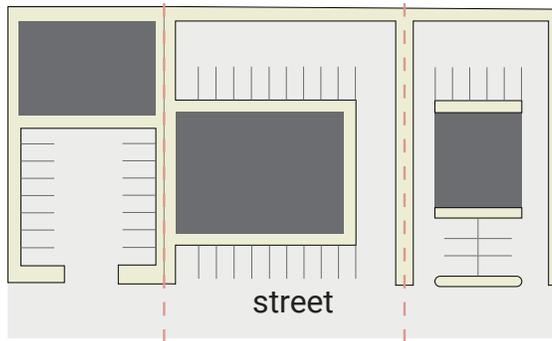


Figure 2.21. Illustration of a siting that is NOT recommended, where parking is located in front of the buildings.

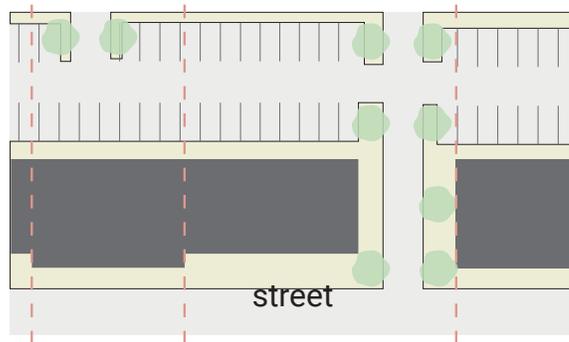


Figure 2.22. Illustration of a siting that is IS recommended.

**G. Facade Proportion and street level continuity.** The width and proportion of building facades (the relationship of a building's width to its height) shall be consistent with adjacent buildings. Buildings with a street front longer than forty (40) feet shall be architecturally designed and situated on the site to create the impression of multiple facades with staggered setbacks as set out in this section. Buildings should not be set back beyond the front building setbacks established in this section nor be situated to create a street front setback longer than forty (40) feet.

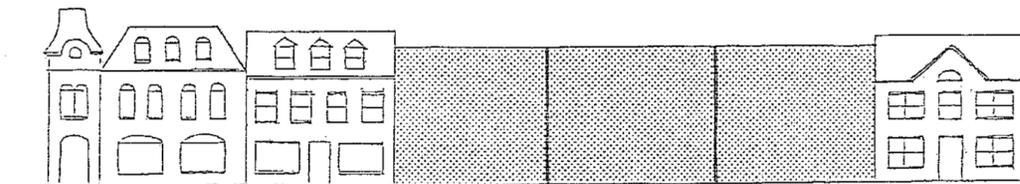


Figure 2.23. Illustration of recommended compatible facade proportion

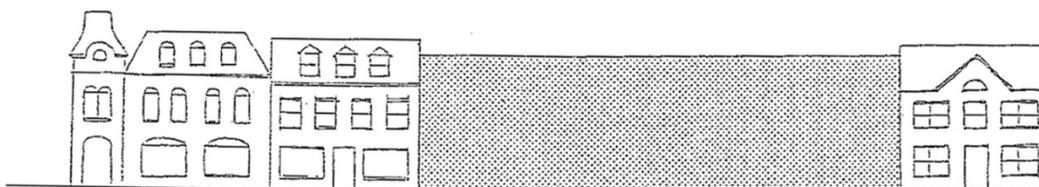


Figure 2.24. Illustration of facade that is too long and not recommended

### H. Street level vitality

The street level of new and in-fill buildings, plazas, courtyards or other space and structures that face the street shall provide a primary pedestrian access and orient their design toward the street.



Figure 2.25. Illustration of street vitality examples

NOT RECOMMENDED  
Lack of street level  
design

RECOMMENDED  
Design oriented to  
street level

### I. Specific design requirements

- i. First-story roofs shall have a minimum slope of 6:12.
- ii. Window centerlines shall be aligned whenever possible.
- iii. Cornices shall be aligned whenever possible.
- iv. Stucco may be used no nearer than two feet, eight inches (2'8") to the base of the building. The building base, up to a height of two feet eight inches (2'8") above grade, should be constructed of brick or stone with a water table; split face block is acceptable upon review.
- v. EIFS, or any like material, may only be used above the first floor.
- vi. Mansard roofs are not permitted.

### J. Floor to area ratio (FAR)

- i. The maximum floor to area ratio (FAR) shall not exceed 0.7 for any lot and only upon accommodating both site and building design criteria.
- ii. Floor to area ratio is defined as the ratio of total floor area on a lot divided by the total lot area (FAR = total floor area/total lot area).
- iii. Total floor area is defined as the interior space of all floors of a building minus stairways, elevators, and attics or cellars with a ceiling height of six feet or less.

**K. Building materials**

The following rendering identifies construction materials and architectural elements included in the CS-O overlay. It shall not be interpreted as a working drawing, binding illustration or specific requirement for any building or lot. The written guideline text is the applicable medium and in the event of any conflict between elements in any rendering and the written guideline text by the written guideline text shall prevail.

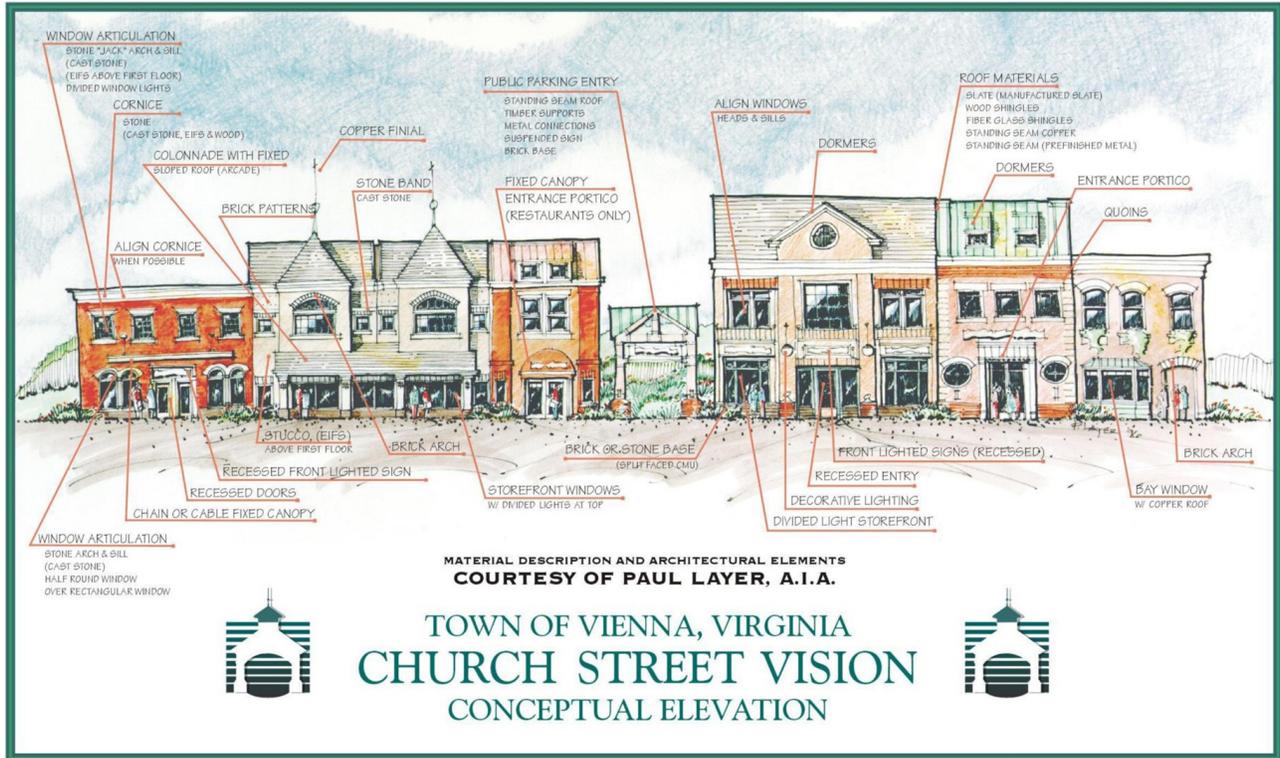


Figure 2.26. Illustration of architectural elements and building materials included in the CS-O overlay

**L. Parking and circulation requirements.**

- i. Parking shall be designed to the rear of the lot when possible. Where parking can only be located on the side of building, it must be screened from the principal pedestrian way by a low wall that integrates into the adjoining building or by the use of low hedges or other appropriate landscaping.
- ii. When adjoining another lot with abutting parking, the lots shall be integrated and opened to each other. In order to achieve the requirements of this section, reserved parking may be prohibited by site plan approval except for one reserved space for the owner or manager of the site.
- iii. These requirements shall in no way be permitted to delete otherwise lawfully required handicapped spaces.
- iv. Landscaping shall be included around the parking facilities to ease their appearance when possible.
- v. All lots developed as part of the CS-O district using the approved design guidelines shall provide shared parking with other lots developed under the Church Street Vision Design Guidelines unless prevented by an adjoining lot or lots not developed under the approved design guidelines.

vi. Standard parking spaces. All parking shall be provided at a net ratio of one space per six hundred (600) square feet of total floor area.

- vii. Compact parking spaces:
  - a. 40 percent of provided parking spaces may be compact in size.
  - b. Compact parking spaces are described in §18-529.

- viii. Access ways and easements:
  - a. Access ways shall be developed within existing rights-of-way when possible, including existing, undeveloped alleys within the CS zone. When public rights-of-way or alleys are not available, access ways shall be established through dedicated public access easements specifying they are for public access purposes.
  - b. Access easements shall meet fire codes and standards for one- and two-way traffic as determined and identified on the access way map.



- c. Additional public access easements may be required adjacent to existing rights-of-way or alleys to meet the fire code standards.

**M. Lighting.** Lighting standards shall be no more than ten (10) feet in height above grade and shall be so arranged and hooded as to confine all direct light rays entirely within the boundaries of the property. Indirect and low ground-oriented lighting should be used whenever possible. Lighting fixture designs shall be harmonious with the general architectural nature of the building or site.

**N. Design Guidelines for Signs.** Signs shall provide a coordinated image between signs and buildings and provide adequate exposure for the businesses.

i. **General sign design requirements.**

- a. Signs shall be integrated into the design of the building and shall not interfere with the architectural integrity or features of the building.
- b. Exterior signs shall face public thoroughfares or rear parking lots.
- c. Signs may not be placed nearer to a window or door than a distance equal to the width of any molding surrounding the window or door. In the event there is no molding, the sign shall not be placed nearer to the edge of a window or door than four inches.
- d. Multiple panel signs shall be designed to create a harmonious overall impression.
- e. Exterior signs shall have an element of "three-dimensionality."

ii. **Content and layout.**

- a. Sign text may only include the business name as the same is stated on the business license, except that a "trading as" (T/A) or "doing business as" (DBA) identity is acceptable. Either a tag line or three descriptive or informational items are also permitted. A trademark, or logo may be incorporated into the sign design provided the same conforms as to this provision. Telephone and facsimile numbers, Internet and electronic mail (E-mail) addresses, and prices may not be displayed on any sign.
- b. Sign design and copy shall serve the primary purpose of business identification. Colors shall be used appropriately for the architecture, business identification and design elements. Designs and colors shall not be used for product advertisement.
- c. Store hours may only be posted on an additional unilluminated sign no larger than 1½ square feet and placed adjacent to any public entrance.
- d. Sign layouts shall be centered within the sign area such that there is a border space around the entire sign with a width equal to ten percent of the total sign width.
- e. Sign designs and letter forms shall be professionally prepared.

iii. **Materials.**

- a. Materials for signs will be consistent with the building architecture and section [§18-236](#).
- b. Signs shall be made of predominately natural materials such as wood, metal or stone.

## Article 2. Zones, Districts, and Dimensional Standards

- c. Synthetic materials, including plastic and sign foam, may be used only when it is finished to appear as a natural material.
- d. Unpainted plastic, molded plastic letters and vinyl leaf shall not be used.
- e. Glass beads or sand may be used to add texture.
- f. Only genuine metallic leaf products in gold or silver and Palladium leaf (a.k.a. Dutch Metal) may be used.

### iv. Lighting.

- a. Signs may be illuminated by reflected light only.
- b. Signs may not be internally illuminated or use any exposed neon tubing.
- c. Signs may be illuminated only by external spot lighting; such light fixtures to be architecturally part of the structure.

### v. Open signs.

- a. Each business may place one sign reading "open" in a store window facing a public thoroughfare or parking lot.
- b. "Open" signs may not exceed 1½ square feet, may not be internally illuminated and may not be made of neon.

### vi. Window signs. Only the following window signs will be permitted:

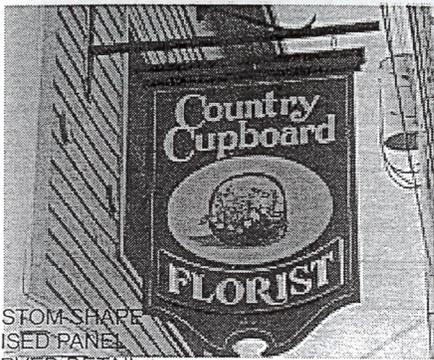
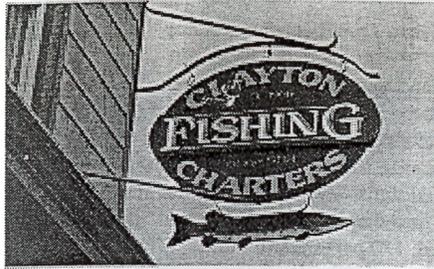
- a. One permanent window sign for each business, lettered on the inside of the glass with no background color, no larger than 25 percent of each window area of the window in which it is placed and made of either gold leaf, silver leaf or white individual letters.
- b. The area of a window sign will be calculated by measuring the outer edge of the overall sign image.
- c. Temporary window signs may not cover more than ten percent of any window area in which it is placed. Temporary window signs may not stay up for more than 30 days at one time and there may be no more than four such signs posted in any one calendar year.

### vii. Facade signs.

- a. Facade signs may not interfere with or interrupt building details or openings and shall be designed in coordination with the structure. Facade signs include any wall mounted sign facing the front street, rear customer entrance or other public way.
- b. A total of two square feet of facade signage is permitted for each linear foot of building frontage. Such sign area is to be shared by all tenants or tenant spaces within the building.
- c. Facade signs may be placed flat or perpendicular against any building side that fronts a parking lot or public thoroughfare.
- d. Facade signs must be permanently and securely attached to the building.
- e. Facade signs must be reinforced with a continuous metal band around the outer edge of the sign.
- f. Facade signs shall be below the trim fascia or gutter line.
- g. Facade signs shall not eclipse the roofline.

- h. Facade signs may be illuminated only by external spot lighting; such light fixtures to be architecturally part of the structure.
- i. Perpendicular signs may not project more than four feet from the building facade, may not over-hang the property line, and may not interfere with pedestrian traffic or the building's architectural elements.
- viii. **Canopy signs.** Canopy signs may only be placed flat along the canopy valance.
- ix. **Freestanding signs.**
  - a. More than one freestanding sign may be erected per building but may not over-hang the property line or interfere with pedestrian traffic or the building's architectural elements.
  - b. A freestanding sign may be no larger than twenty (24) square feet per building.
- x. **Sign prohibitions.** The following signs are prohibited:
  - a. A-frame or sandwich board signs;
  - b. Billboards;
  - c. Signs which involve motion or rotation of any part, or display flashing, strobe, or intermittent lights;
  - d. Signs generating amplified sound, smoke, vapor particle emission or objectionable odors;
  - e. Standards, banners, flags, streamers and similar devices, except for national, state or local governmental flags and temporary banners approved by the zoning administrator;
  - f. Exposed neon visible from the street regardless of form, location or message, including signs reading "open";
  - g. Shopping center style directory signs for multiple tenants.
- xi. **Additional sign restrictions.**
  - a. Signs shall not be placed or used to compete for automobile visibility.
  - b. Real estate, "for sale" and "for rent" signs may only be placed in the windows of the building to which the signs pertain. Such signs may not be placed in outdoor locations and may be up only so long as the space is for rent or sale.
  - c. Signs may not use fluorescent colors, paint additives such as "pearl" or "metal flake" reflective sheeting, or refractive metallic films, including gold leaf vinyl sheeting.
  - d. Signs may not be placed or erected upon the roof of any building.
  - e. Signs may not be plainly offensive to human sensibilities or otherwise provide a reasonably foreseeable detriment to the community.
- xii. **Sign examples.** The following pages provide examples of signs that illustrate the design elements, styles, colors and materials required in the CS-O overlay.

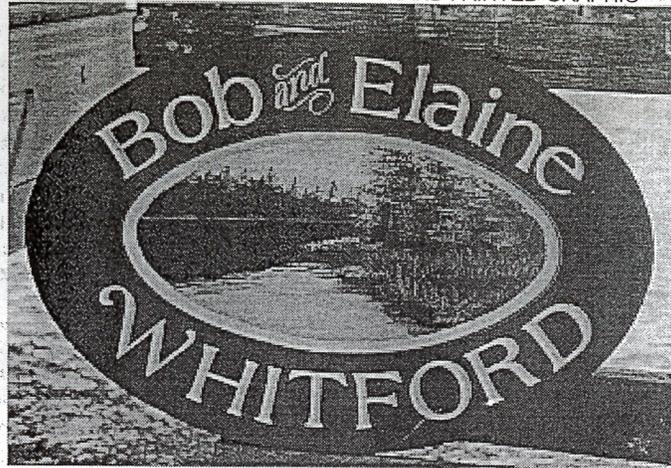
PLYWOOD PANEL  
 RAISED PINE PANEL  
 W/ CARVED GOLD LEAF  
 CARVED FISH  
 CUSTOM BRACKET



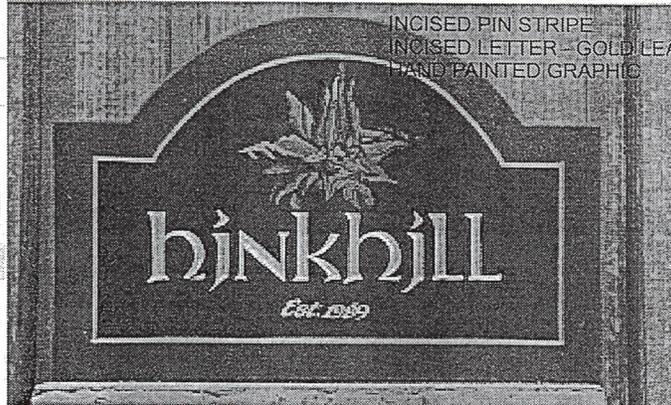
CUSTOM-SHAPE  
 RAISED PANEL  
 CARVED DETAIL  
 & LETTERING -GOLD  
 LEAF - HAND PAINTED  
 GRAPHICS



Vienna Town Code



RAISED EDGE (TRIPLE THICK)  
 INCISED LETTER - GOLD LEAFED  
 HAND PAINTED GRAPHIC

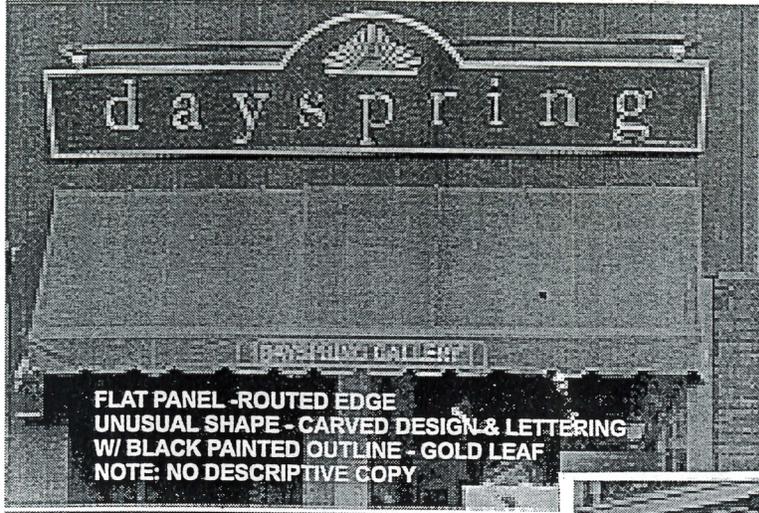


INCISED PIN STRIPE  
 INCISED LETTER - GOLD LEAFED  
 HAND PAINTED GRAPHIC



2" THICK - FLAT PANEL  
 INCISED LETTER - GOLD LEAFED  
 HAND PAINTED GRAPHIC

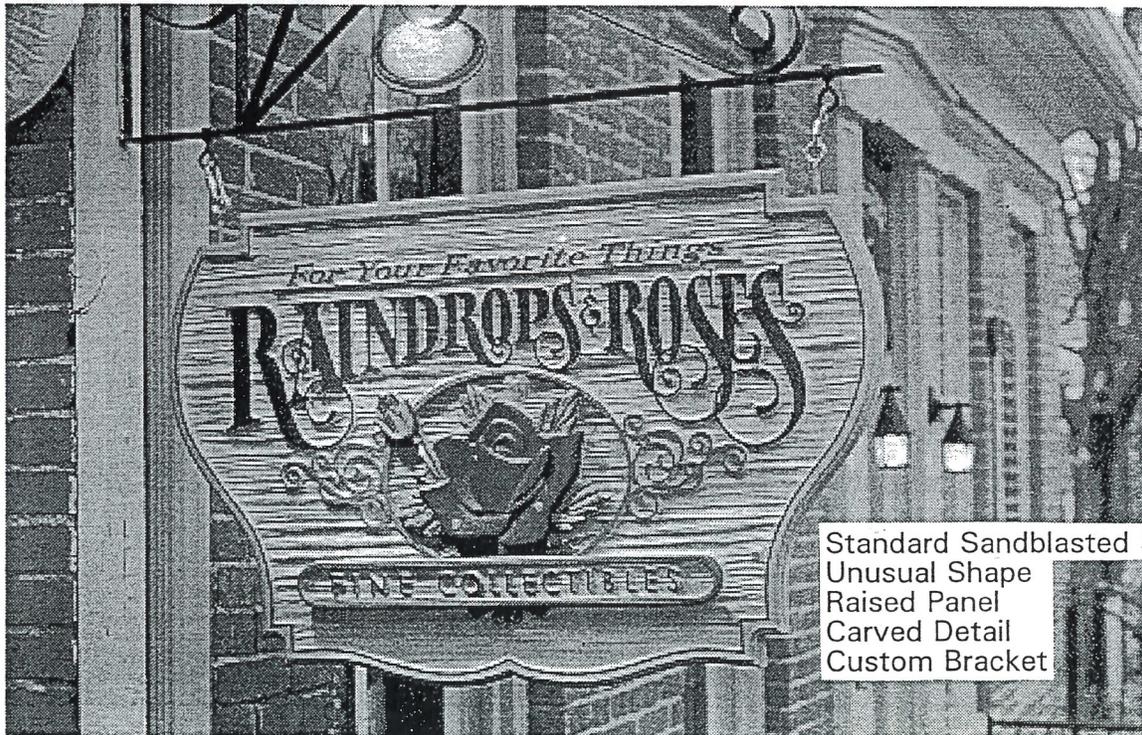
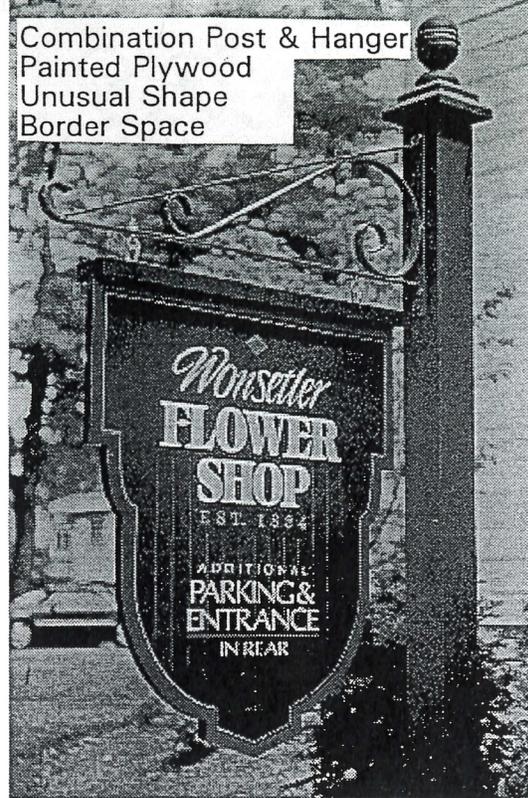
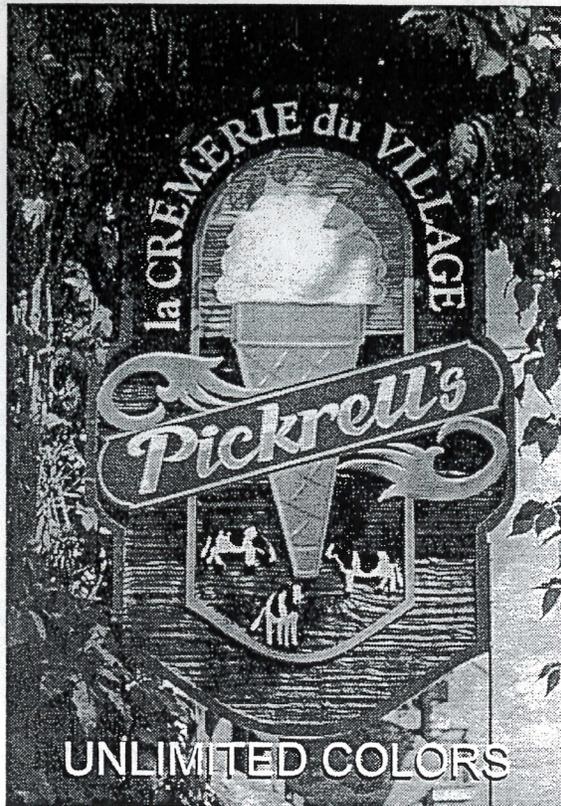
FIGURE 2.28.  
 Sign examples

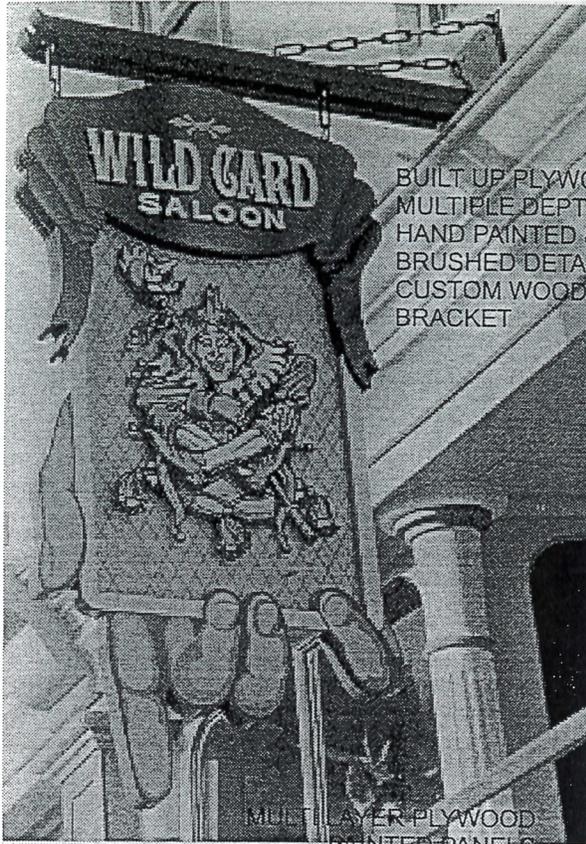


FLAT PANEL - ROUTED EDGE  
UNUSUAL SHAPE - CARVED DESIGN & LETTERING  
W/ BLACK PAINTED OUTLINE - GOLD LEAF  
NOTE: NO DESCRIPTIVE COPY

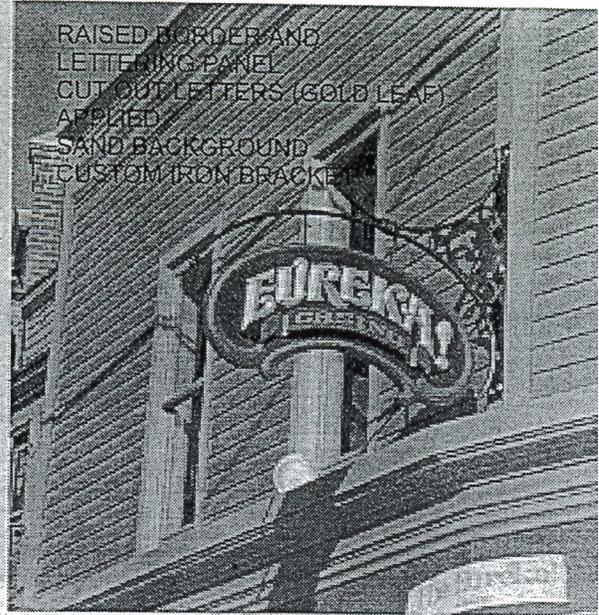


RECTANGULAR SHAPE  
CONTRASTING MOLDING  
INCISED GOLD LEAF LETTERING

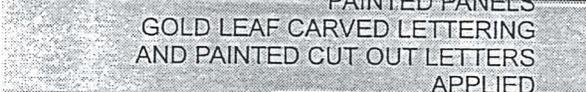




BUILT UP PLYWOOD  
MULTIPLE DEPTH  
HAND PAINTED & AIR  
BRUSHED DETAILS  
CUSTOM WOOD  
BRACKET



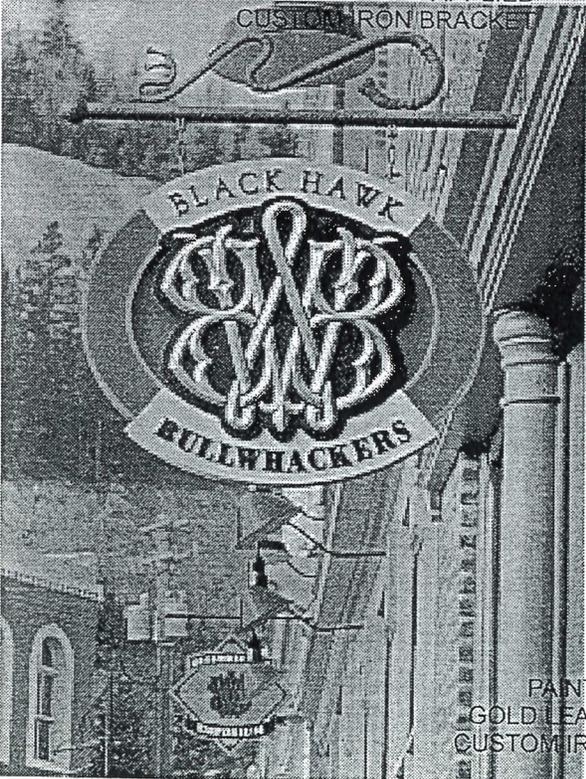
RAISED BORDER AND  
LETTERING PANEL  
CUT OUT LETTERS (GOLD LEAF)  
APPLIED  
SAND BACKGROUND  
CUSTOM IRON BRACKET



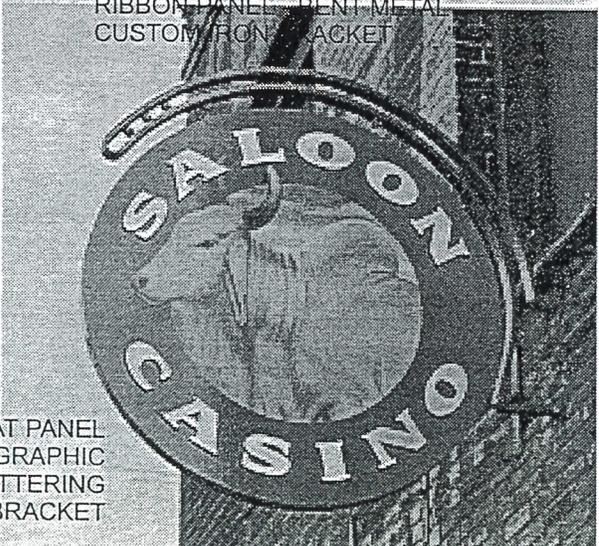
MULTI LAYER PLYWOOD  
PAINTED PANELS  
GOLD LEAF CARVED LETTERING  
AND PAINTED CUT OUT LETTERS  
APPLIED  
CUSTOM IRON BRACKET



MULTI LAYER PLYWOOD  
PAINTED GRAPHIC  
GOLD LEAF BORDER & LETTERING  
RIBBON PANEL - BENT METAL  
CUSTOM IRON BRACKET



FLAT PANEL  
PAINTED GRAPHIC  
GOLD LEAF LETTERING  
CUSTOM IRON BRACKET



## PROJECTING SIGN SAMPLES

**O. Outside display and storage:**

- i. Vending machines. Vending machines may not be placed outside of a wholly enclosed building or shelter.
- ii. Dumpsters. Trash, recycling and any other refuse collection dumpsters shall be located at the rear of the property and either screened, enclosed or otherwise blocked from public view. Such screening or enclosure shall be designed in conjunction with the primary building, shall use similar materials and shall provide complete obscurity of the dumpster. The screen or enclosure shall have double doors. Chainlink fencing may not be used.

**P. Sidewalks**

- i. Sidewalks in the identified CS-O overlay area shall be paved with coordinating pavers and designed to match the existing pattern established along the Church Street corridor.
- ii. Brick pavers shall be used in a coordinating pattern to widen the public sidewalk as they adjoin private sidewalks.
- iii. Sidewalks in the public right-of-way shall be constructed the full width of the lot and shall connect with existing sidewalk sections.
- iv. Sidewalks shall be clearly identified and shall connect the building entrance with the public sidewalks.
- v. Whenever possible, sidewalk patterns and pavers shall extend between the CS district and adjoining commercial properties to provide a visual connection between the commercial areas of Town and clearly delineating pedestrian space from automobile space.
- vi. A five-foot brick sidewalk shall be constructed along the front property line adjoining the public planter and sidewalk to create a divided double sidewalk. A landscaped area may be used instead, if a double sidewalk is inappropriate to the intended use of the building.
- vii. Except when the front yard is designed as a courtyard or patio, a landscape strip or planter shall be constructed between the building and the above-mentioned sidewalk. For buildings with the minimum setback, the planter or landscape strip must be at least two feet in width and placed adjacent to the building. The intent is to create a green space of varying width between the sidewalk and the building.

**Q. Landscaping**

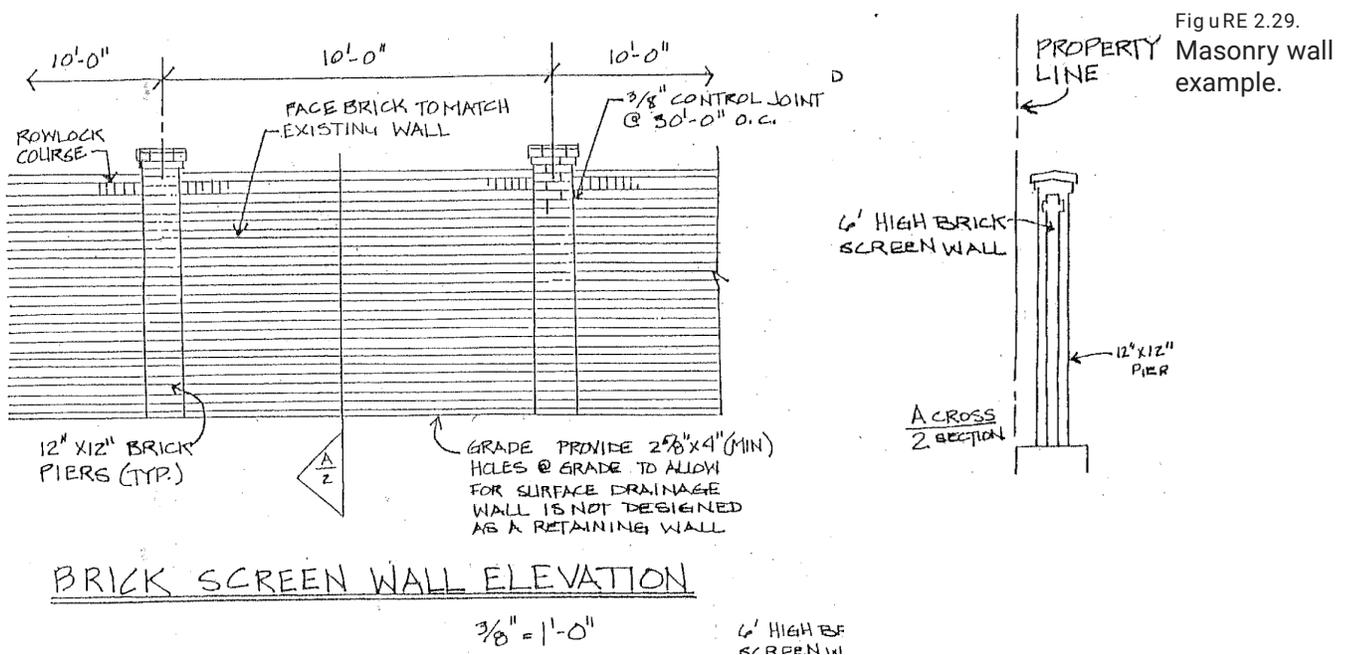
- i. Trees shall be used to enhance the open space areas and parking lots and shall be maintained in good condition by the property owner.
- ii. Trees shall be selected so that they are resilient to pollution and drought, do not produce berries or fruit and have deep root growth so they do not upheave the sidewalks or planters.
- iii. Every landscape island five feet or more in length shall hold at least one tree and additional trees shall be planted within the island, for the full length of the island, so the ten-year canopy of each tree will touch edge-to-edge.
- iv. Trees planted shall be a minimum of four inch caliper and meet the specifications of the American Association of Nurserymen.

- v. Forty percent of the landscape island area shall be planted with vegetation in addition to trees and shall be maintained in good condition by the property owner.
- vi. The planting of trees shall be done in accordance with either the standardized landscape specifications jointly adopted by the Virginia Nurserymen's Association, the Virginia Society of Landscape Designers and the Virginia Chapter of the American Society of Landscape Architects, or the road and bridge specifications of the Virginia Department of Transportation.

**R. Lighting.** Lighting standards shall be no more than ten feet in height above grade and shall be so arranged and hooded as to confine all direct light rays entirely within the boundaries of the property. Indirect and low ground-oriented lighting should be used whenever possible. Lighting fixture designs shall be harmonious with the general architectural nature of the building or site.

**S. Retaining walls and fences**

- i. All retaining walls, fences, and screening between zoning districts shall be constructed to the following required design using the following required materials and colors.
- ii. A six (6) foot tall masonry wall is required between any lot zoned single-family residential and any commercially zoned property, including lots and public access ways in the CS district. Such wall shall be constructed and maintained along the property line but on the side of the commercial land or access way. Such wall shall be constructed by the developer and maintained as part of the property.
- iii. Figure 2.29 represents the required design style for a masonry wall. The drawing should not be interpreted to be structurally detailed. Any masonry screen or retaining wall should reflect the same exterior design detail but will require additional structural engineering by an appropriately licensed professional.



**5. Bonus modification.**

- i. The following are acceptable bonus incentives which may be granted as site plan modifications by the Town Council in return for an owner or developer providing building design and site plan features desired by and acceptable to the Town and as adopted by §18-236.
- ii. Bonus incentives.
  - a. Increase building footage and lot coverage.
  - b. Modification of lot coverages in general.
  - c. Reduce front, rear, and side building setbacks.
  - d. Modification to required number, size and location of parking spaces.
- iii. Modification, variance, or waiver of use or maximum height restriction requirements are not permitted.

## Section 18-237 Windover Heights Historic Overlay (WH-O)

### 1. WH-O Purpose

The purpose of the Windover Heights Historic Overlay District is to recognize and designate by an overlay to the zoning map of the Town of Vienna, the Windover Heights Historic Overlay District of the Town. The district contains buildings and places in which historic events occurred and which have special public value because of notable architectural features and other features which relate to the cultural and artistic heritage of Vienna. To provide for the preservation of that district and sites therein, the Town Council recognizes that the district is a single-family residential neighborhood which has changed little since the turn of the century, which consists mostly of older homes, open spaces, and meandering streets lined with mature trees and shrubs which constitutes one of the original residential sections of historic old Vienna and which housed citizens who were prominent in the development of the Town.

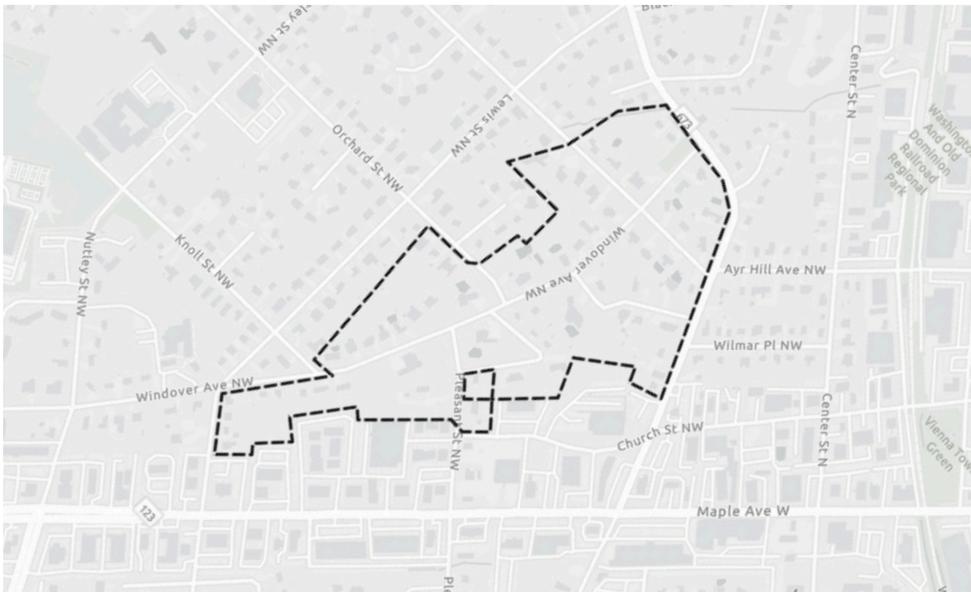


Figure 2.30. Reference map of the Windover Heights Historic Overlay District.

### 2. Public Improvements Controls

- A. No new construction projects, the purpose of which shall be the installation of new public improvements and publicly-owned utilities not in existence at the time of the adoption of the ordinance, shall be commenced in the Windover Heights Historic Overlay District until the Town Council shall first conduct an advertised public hearing concerning the necessity of the improvement, at which hearing the recommendations of the Windover Heights Board of Review, if available, shall be included in the record.
- B. The provisions of this section shall not be applicable to maintenance or repair of existing public improvements or utilities.

### 3. Certification of Appropriateness Required. See §18-840.

### 4. Administration and Procedures. See Article 8.

## Section 18-238 Chesapeake Bay Preservation Areas Overlay (CB-O)

### 1. Purpose

The purpose of the Chesapeake Bay Preservation Areas Overlay District is to protect, improve, and enhance the water quality of the Chesapeake Bay, its tributaries and other state waters. These regulations are issued under authority of Code of Virginia, §62.1-44.15:74 and §15.2-2283 and regulations of 9VAC25-830-10 et seq.

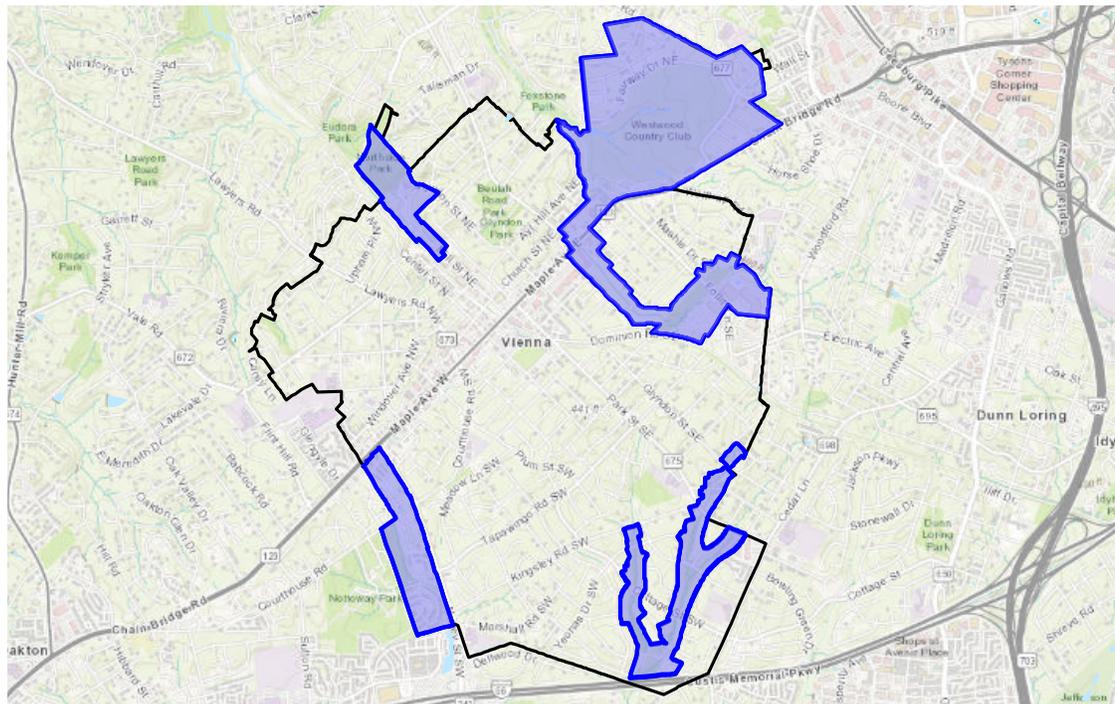


FIGURE 2.31. Reference map of the Chesapeake Bay Preservation Areas Overlay.

### 2. Definitions

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in Article 9, except where the context clearly indicates a different meaning.

### 3. General Provisions

- A. Application. The regulations in this section shall apply to all lands located within Chesapeake Bay Preservation Areas (CBPA), both resource management areas and resource protection areas as defined above and as depicted on the official CBPA maps for the Town of Vienna.
- B. Delineation of RPA (resource protection area) boundaries. An applicant for a building, clearing or grading permit, or subdivision or site plan review shall conduct an evaluation to locate the boundary of the RPA (100-foot buffer area) on the applicant's property as well as the boundary of the fifty (50) foot portion of the buffer area that is directly adjacent to the water body with perennial flow. All plans shall clearly delineate the buildable areas on each lot and based on the performance criteria, identify the front and side yard setbacks and any other relevant easements or limitation regarding lot coverage. The applicant shall submit the results of the evaluation to the Town for review. The Town may provide such assistance to an applicant, as the Town deems necessary, to conduct such evaluation.

- C. Dispute of resource protection area boundaries. An applicant for a building, clearing or grading permit, or subdivision or site plan review for land within an RPA who disputes the boundaries on the CBPA Map, a delineation of boundaries pursuant to the above subsection, or the inclusion of the applicant's property within an RPA shall submit to the Zoning Administrator a site specific evaluation with supporting evidence to determine where such boundaries are or whether a water body on or adjacent to the applicant's property is a water body with perennial flow. The existence and location of a water body with perennial flow that is on or adjacent to the development site must be identified in the evaluation, including any non-tidal wetlands connected by surface flow or contiguous to such a water body. The applicant shall submit to the Zoning Administrator surveys or drawings, which indicates a precise delineation of the RPA boundary, including buffer area. The Zoning Administrator will review and confirm that the boundaries of the RPA (resource protection area) are adjusted, as necessary, based on the evaluation of the site.

#### 4. Allowed Uses and Developments

- A. Permitted uses, accessory uses, and conditional uses shall be allowed as established by the underlying zone or district except as specifically modified by the Chesapeake Bay Preservation Areas Overlay District regulations.
- B. Lot sizes shall meet the requirements of the underlying zone or district; provided further that any subdivision plat submitted after the effective date of the ordinance from which this article is derived shall provide sufficient area outside an RPA to accommodate an intended use.
- C. **Allowed uses in resource protection areas.**
- i. Land development must be permitted by the underlying zone or district and must be in compliance with all applicable performance requirements of §18-238.5. Land development shall be allowed only if it meets one or more of the following criteria:
    - a. **Is water dependent.** New or expanded water dependent facility may be allowed provided that:
      1. Any non-water dependent component is located outside of resource protection areas;
      2. Access will be provided with the minimum disturbance necessary. Where possible, a single point of access will be provided;
      3. it does not conflict with the comprehensive plan;
      4. It complies with the performance criteria for RPAs.
    - b. **Constitutes redevelopment.** Redevelopment in RPAs shall be permitted only if there is no increase in the amount of impervious cover and no further encroachment within the resource protection area.
    - c. **Is a use established prior to October 1, 1989;**

- d. **Is a road or driveway not exempted under this section and satisfies the following conditions:**
  - 1. No reasonable alternatives to aligning the road or driveway in or across the RPA exist;
  - 2. The alignment and design of the road or driveway are optimized, consistent with other applicable requirements, to minimize encroachment in the RPA and adverse effects on water quality;
  - 3. The design and construction of the road and driveway satisfy all applicable criteria of this chapter, including submission of a water quality impact assessment; and
  - 4. The proposed road or driveway meets all requirements to obtain a building permit or site plan approval.
- e. **Is a flood control or stormwater management facility satisfying the following conditions:**
  - 1. The facility within the RPA is in its optimum location;
  - 2. The size of the facility is the minimum necessary to provide necessary flood control, stormwater management, or both;
  - 3. The facility must be consistent with a storm management program that has been approved by the state department of environmental quality as a Phase i modification to the Town's program;
  - 4. All applicable permits for construction in state or federal waters have been obtained from the appropriate state and federal agency, such as the U.S. Army Corps of Engineers and the state department of environmental quality;
  - 5. A building permit or site plan approval has been obtained;
  - 6. Routine maintenance is performed on such facility to ensure that it continues to function as designed.
- ii. The following uses and improvements are exempt from the performance criteria of [§18-238.5](#):
  - a. Passive recreation facilities, such as hike and bicycle trails, picnic areas and pathways, and historic preservation and archaeological activities, provided that:
    - 1. All land disturbing activity exceeding an area of 2,500 square feet shall be performed in accordance with performance criteria in [§18-238.5.B.i.e.](#)
    - 2. Such uses are reviewed and approved by the zoning administrator.
  - b. Utilities, public facilities, improvements such as streets, channel improvements, bridges, utility pipes and utility transmission lines with the performance criteria exemptions found in this section.
  - c. Reconstruction or structural alteration of those buildings, structures, and improvements existing prior to the effective date of the ordinance from which this article is derived, provided that the performance criteria of this section are met.

**D. Nonconforming Uses and Waivers**

- i. No alteration or expansion of a nonconforming principal building or structure shall be permitted with the exception that the Zoning Administrator may grant a waiver when:
  - a. There will be no net increase in non-point source pollutant load;
  - b. Any development or land disturbance exceeding an area of 2,500 square feet shall comply with all requirements of [Chapter 23](#).
  - c. Granting the waiver will not confer upon the applicant any special privileges denied by this article to other property owners in the RPA;
  - d. The waiver is not based on conditions or circumstances that are selfcreated or self-imposed, nor does the request arise from conditions or circumstances either permitted or nonconforming that are related to adjacent parcels;
  - e. The waiver is the minimum necessary to afford relief;
  - f. The waiver will be in harmony with the purpose and intent of the RPA, not injurious to the neighborhood or otherwise detrimental to the public welfare, and is not of substantial detriment to water quality; and
  - g. Reasonable and appropriate conditions are imposed which will prevent the waiver request from causing a degradation of water quality.
- ii. This waiver may be granted only for relief from the Chesapeake Bay Preservation Area requirements and shall not apply to any other restrictions imposed or required by this Code including, but not limited to, the floodplain, zoning, subdivision, erosion and sedimentation, and stormwater management ordinances. Any development not meeting the performance criteria in this section shall require an exception.
- iii. Appeals to any waiver decision of the Zoning Administrator shall be made to the Board of Zoning Appeals in accordance with [Chapter 23](#).

**5. Performance Criteria**

- A. It is the intent of these criteria to achieve a ten (10) percent reduction in non-point source pollution for redevelopment under one (1) acre, achieve a twenty (20) percent reduction in non-point source pollution for redevelopment one (1) acre or greater, and to prevent an increase in non-point source pollution from new development.
- B. General Performance Criteria
  - i. Unless provided elsewhere in this article, each use, development or redevelopment of lands located in a Chesapeake Bay Preservation Areas as designated on the official CBPA map for the Town and/or verified by the site specific evaluation required under [§18-238.3.B](#) shall meet or exceed the following performance criteria:
    - a. No more land shall be disturbed than is necessary to provide for the proposed use or development.
    - b. Indigenous vegetation shall be preserved to the maximum extent practicable, consistent with the use and development proposed.

## Article 2. Zones, Districts, and Dimensional Standards

- c. All development, including residential, which exceeds 2,500 square feet of land disturbance, shall be subject to site plan review as required in this ordinance's site plan control provisions and shall be accomplished through a plan of development review process consistent with §15.2-2286.A.8 of the Code of Virginia and 9VAC25-830-240 (1)(e) of the Regulations.
- d. All land development shall minimize impervious area consistent with the proposed use or development.
- e. Any land disturbing activity that exceeds an area of 2,500 square feet, including single-family homes and septic lines and drain fields, shall comply with the requirements of this ordinance's environmental controls found in Chapter 23.
- f. On-site land disturbing activities shall not begin until appropriate permits such as those for land disturbing or building have been issued and evidence provided that all required federal and state wetland permits have been obtained.
- g. All development, including single-family residential, which exceeds 2,500 square feet of land disturbance, shall include the delineation of the resource protection area and resource management area boundaries, if any, including notations of the following specific state requirements on the final plat, as specified in 9VAC25-830-190 (A)(4) of the Chesapeake Bay Preservation Area Designation and Management Regulations:
  - 1. To retain an undisturbed and vegetated 100-foot wide buffer area;
  - 2. The permissibility of only water dependent facilities or redevelopment in resource protection areas, including the 100-foot wide buffer area; and
  - 3. The delineation of the buildable areas that are allowed on each lot, based on the performance criteria specified in 9VAC25-830-190 (A)(5) of the Regulations.

### C. Additional Performance Criteria for Resource Protection Areas

- i. The following criteria shall apply within RPAs in addition to this section's general performance criteria:
- ii. Except as otherwise provided herein, no land disturbing activity and no acts prohibited by the Town Flood Plain Ordinance shall be permitted in RPAs.
- iii. Buffer area requirements:
  - a. For the purpose of retarding runoff, preventing erosion and filtering non-point source pollution from runoff, a buffer area extending at least 100 feet adjacent to the edge of a water body with perennial flow shall be retained, if present, or established wherever such buffer does not exist. The 100-foot buffer shall be deemed to achieve a seventy-five (75) percent reduction in sediment and a forty (40) percent reduction of nutrients. The following performance criteria shall apply.
  - b. In order to maintain the functional value of such buffer area, indigenous vegetation may be removed as permitted by the Town of Vienna only to provide reasonable sight lines, access paths, general woodlot management and BMP, including those that prevent upland erosion and concentrated flows of stormwater, as follows:
    - 1. Trees may be pruned or removed, subject to the provisions of Town Tree Preservation regulations to provide for sight lines and vistas; provided, however, that each tree removed shall be replaced with other vegetation, which

is at least equally effective in retarding runoff, preventing erosion and filtering non-point source pollution from runoff.

2. Dead, diseased or dying trees or shrubbery may be removed.
  3. Trees and woody vegetation may be removed in connection with approved stream bank erosion control projects. However, control techniques must be employed and appropriate vegetation established to protect or stabilize the stream bank.
  4. Any trail or pathway shall be constructed and surfaced so as to effectively control erosion.
- c. When the establishment of a buffer area results in the loss of buildable area on a lot or parcel recorded prior to October 1, 1989, the Zoning Administrator may permit encroachment into the buffer area after submission of sufficient evidence as follows:
1. Encroachments into the buffer area shall be permitted to the minimum extent necessary to achieve reasonable buildable area for a principal building or structure and necessary utilities to serve the building or structure.
  2. Where practicable, a vegetated area that will maximize water quality protection, mitigate the effects of buffer encroachment, and is equal to the encroachment area shall be established elsewhere on the lot or parcel to maximize water quality protection.
  3. The encroachment may not extend into the fifty (50) foot portion of the buffer area that is directly adjacent to the water body with perennial flow.
- d. All plans and/or plats submitted for approval and review shall include a notation that specifies the requirement to retain an undisturbed and vegetated 100-foot buffer area in the resource protection areas ("RPA").

#### **D. Water Quality Impact Assessment**

- i. A water quality impact assessment (WQIA) is required to be submitted with all development and redevelopment site plans for property partially or totally located within an RPA and where there is land disturbing activity in excess of 2,500 square feet in the RMA. The WQIA study will include but not be limited to the following:
  - a. Impact of proposed development on water quality.
  - b. Description of specific measures to be employed to mitigate the impacts.
  - c. Geology of the site.
  - d. Estimates of pre-development and post-development runoff.
  - e. Additional information as deemed necessary by the director of public works or zoning administrator to assist in the review of the project.
- ii. Narrative description.
  - a. Impact of proposed development on water quality.
  - b. Description of specific measures to be employed to mitigate the impacts.
  - c. Geology of the site.
  - d. Estimates of pre-development and post-development runoff.
  - e. Additional information as deemed necessary by the director of public works or zoning administrator to assist in the review of the project.
- iii. Site drawing.
  - a. Existing topography, soils and hydrology of the site.
  - b. Boundaries of the RMA, and if adjacent to a water body with perennial flow as defined in this article, the location of the 100-foot RPA buffer area.

## Article 2. Zones, Districts, and Dimensional Standards

- c. Location and nature of any proposed encroachments into the RPA buffer area including roadways and areas of grading; location of structures, driveways, or other impervious cover; utilities; and wetland mitigation sites.
- d. Type and location of proposed stormwater management facilities and best management facilities and BMPs to mitigate the proposed encroachments.
- e. Size and location of anticipated drainfield or wastewater irrigation areas.
- f. Location of existing vegetation on site, including the number and type of trees and the vegetation to be removed in the buffer to accommodate the encroachment or modification;
- g. Re-vegetation plan that supplements the existing buffer vegetation in a manner that provides for pollutant removal and erosion and runoff control.

### E. Exemptions for Public Purposes

- i. Exemptions for public utilities, public roads, railroads and similar facilities from performance criteria for RPAs are as follows:
- ii. Construction, installation, operation and maintenance of electric, natural gas, telephone, fiber optic, and cable television transmission lines, railroads and public roads and their appurtenant structures shall be exempt from the performance criteria in this section, provided that said construction, installation, operation and maintenance is in accordance with this ordinance's environmental controls or the Erosion and Sediment Control Law (Code of Virginia, § 62.1-44.15:51 et seq.), as appropriate.
- iii. Construction, installation and maintenance of water, sewer, natural gas, and underground telecommunications and cable television lines owned, permitted, or both by the Town or a regional service authority shall be exempt from the performance criteria in this section, provided that:
  - a. Such utilities and facilities shall be located outside RPAs to the highest degree possible.
  - b. No more land shall be disturbed than is necessary to provide for the desired utility installation.
  - c. All construction, installation and maintenance of such utilities and facilities shall be in compliance with all applicable state and federal permits and designed and conducted in a manner that protects water quality.
  - d. Any land disturbing activity exceeding an area of 2,500 square feet shall comply with the requirements of this ordinance's environmental controls.

### F. Exceptions

- i. An application for an exception to the requirements of the Chesapeake Bay Preservation Areas Overlay §18-238 shall be made in writing to the Board of Zoning Appeals. It shall identify the impacts of the proposed exception on water quality and on lands within the RPA through the performance of a water quality impact assessment, which complies with the provisions of subsection 5.D. of this section.
- ii. The Board of Zoning Appeals shall notify the affected public of any such exception requests and shall consider these requests in a public hearing in accordance with Code of Virginia, §15.2-2204, except that only one hearing shall be required.

- iii. The Board of Zoning Appeals shall review the request for an exception and the water quality impact assessment and may grant the exception with such conditions and safeguards as deemed necessary to further the purpose and intent of this article if the Board of Zoning Appeals finds that:
  - a. Granting the exception will not confer upon the applicant any special privileges denied by this article to other property owners in the RPA;
  - b. The exception is not based on conditions or circumstances that are selfcreated or self-imposed;
  - c. The exception is the minimum necessary to afford relief;
  - d. The exception will be in harmony with the purpose and intent of the RPA, not injurious to the neighborhood or otherwise detrimental to the public welfare, and will not result in substantial detriment to water quality; and
  - e. Reasonable and appropriate conditions can be imposed which will prevent the exception request from causing a degradation of water quality.
- iv. if the Board of Zoning Appeals cannot make the required findings or refuses to grant the exception, the Board of Zoning Appeals shall return the request for an exception together with the water quality impact assessment and the written findings and rationale for the decision to the applicant.
- v. A request for an exception to the requirements of provisions of this article other than §18-238.4.c and subsection C.iii. of this section shall be made in writing to the Zoning Administrator. The Zoning Administrator may grant these exceptions provided that:
  - a. Exceptions to the requirements are the minimum necessary to afford relief; and
  - b. Reasonable and appropriate conditions are placed upon any exception that is granted, as necessary, so that the purpose and intent of this article is preserved.
  - c. Exceptions to this section's general performance criteria may be made, provided that the findings noted in subsection F.iii of this section are made.



# ARTICLE 3. USES AND USE STANDARDS

# 3

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## DIVISION 1. ORGANIZATION OF THIS ARTICLE

### Section 18-301 Regulation of Uses by Zones and Districts

For the general purpose of promoting the health, safety or general welfare of the public, the use, designated use, or intended use of land is hereby regulated in each zone and district.

### Section 18-302 Unlisted Uses

The Zoning Administrator must determine whether a use is part of an existing use type as defined in [Article 9 Definitions](#). If the Zoning Administrator determines that the use is not similar to any listed use type, that use is prohibited.

## DIVISION 2. USE TABLES

### Section 18-303 Abbreviations in Use Tables by Zone and District

The following use tables include all uses that are permitted or conditionally permitted by zone and district. See [Article 2](#) for descriptions of zones and districts.

#### Keys to Use Table:

**1. Permitted use**

“P” in a table cell indicates that a use is permitted in the respective district or zone subject to any specific use standards in this Article 3, as indicated, and the zoning permit requirements of [Article 8](#). Such uses are also subject to all other applicable requirements of this Chapter.

**1. Conditional use**

“C” in a table cell indicates that a use may be permitted in the respective district or zone only where approved by the Board of Zoning Appeals in accordance with [§18-824](#). Conditional uses are subject to all other applicable requirements of this chapter, including the specific use standards contained in this Article 3.

**1. Prohibited use**

“-” in a table cell indicates that the use in that row is prohibited in in the respective district or zone.

**1. Specific use standards**

The “Specific Use Standards” column on the table is a cross-reference to any specific use standard listed in this Article 3. Where no cross-reference is shown, no additional use standard shall apply, though all other applicable requirements of this chapter shall apply.

**1. Use types**

The “Use Types” column on the table lists specific uses allowed in the respective districts and zones.

Article 3. Uses and Use Standards

**Section 18-304 Principal Uses Table**

USE TYPES	DISTRICTS AND ZONES															SPECIFIC USE STANDARDS
	RESIDENTIAL				NON-RESIDENTIAL AND MIXED USES											
	RS-16	RS-12.5	RS-10	RMU	AW	AE	AC / AC-0	M	CS / CS-0	NM	T	GS	CP	PR	PC	
P = PERMITTED / C = CONDITIONAL / - = NOT PERMITTED (See Article 2 for Zone and District Names)																
<b>Residential Uses</b>																
Cottage Court	-	-	-	P	-	-	-	-	-	-	-	-	-	-	-	-
Duplexes	-	-	-	P	-	-	-	-	-	-	-	-	-	-	-	-
Multi-unit dwelling	-	-	-	P	-	-	-	-	-	-	-	-	-	-	-	-
Single-unit, Detached	P	P	P	-	-	-	-	-	-	-	-	-	-	-	-	-
Townhouses	-	-	-	P	-	-	-	-	-	-	-	-	-	-	-	-
Upper Story Residential	-	-	-	-	P	P	P	-	P	C	-	C	-	-	-	§18-350
<b>Public, Institutional, and Community Uses</b>																
Cemetery	C	C	C	C	-	-	-	-	-	-	-	-	-	-	-	-
Club or Service Organization	C	C	C	C	P	P	P	-	P	-	-	P	-	-	-	§18-315
Community Garden	C	C	C	C	-	-	-	-	-	-	-	-	-	C	-	§18-318
Cultural Facility or Museum	-	-	-	-	P	P	P	-	P	-	-	P	-	-	-	-
Government Uses	C	C	C	C	P	P	P	P	P	-	-	P	P	P	P	-
Outdoor Recreational Uses, Private	C	C	C	C	-	-	-	-	-	-	-	-	-	-	-	-
Outdoor Parks and Recreational Uses, Public	C	C	C	C	P	P	P	P	P	P	-	P	P	P	P	-
Public Community Center	C	C	C	-	-	-	-	-	-	-	-	-	-	C	-	-
Religious Assembly	C	C	C	C	C	C	C	C	C	-	-	C	-	-	-	§18-340
School, Elementary, Middle, and High	C	C	C	C	-	-	-	-	-	-	-	-	C	-	-	-
Utility Facility	C	C	C	C	-	-	-	C	-	-	-	-	C	-	-	-

**Section 18-304 Principal Uses Table (CONTINUED)**

USE TYPES	DISTRICTS AND ZONES															SPECIFIC USE STANDARDS
	RESIDENTIAL				NON-RESIDENTIAL AND MIXED USES											
	RS-16	RS-12.5	RS-10	RMU	AW	AE	AC / AC-0	M	CS / CS-0	NM	T	GS	CP	PR	PC	
P = PERMITTED / C = CONDITIONAL / - = NOT PERMITTED (See Article 2 for Zone and District Names)																
<b>Commercial Uses</b>																
Adult Business	-	-	-	-	C	C	C	C	-	-	-	C	-	-	-	§18-307
Adult Day Support Center	C	C	C	C	P	P	C	-	C	-	-	P	-	-	-	§18-308
Agriculture, Enclosed	-	-	-	-	-	-	-	C	-	-	-	-	P	-	-	§18-309
Agriculture, General	C	C	C	-	-	-	-	-	-	-	-	-	-	-	-	
Animal Care Facility	-	-	-	-	P	P	P	P	P	C	-	P	-	-	-	§18-310
Animal Care Facility with boarding	-	-	-	-	C	C	C	C	C	C	-	C	-	-	-	§18-310
Bed & Breakfast	-	-	-	-	P	P	P	-	P	C	-	P	-	-	-	§18-311
Brewpub	-	-	-	-	P	P	P	C	P	-	-	P	-	-	-	
Carwash	-	-	-	-	C	C	-	-	-	-	-	C	-	-	-	§18-312
Catering	-	-	-	-	P	P	C	P	C	P	-	P	-	-	-	§18-313
Child Care Center	C	C	C	C	P	P	C	-	C	-	-	P	-	-	-	§18-314
College or Technical School	-	-	-	-	C	C	C	C	-	-	P	C	C	-	-	§18-316
Commercial Off-Street Parking	-	-	-	-	C	C	C	-	C	-	-	C	-	-	-	§18-317
Continuing Care Facility	-	-	-	-	C	C	-	-	C	-	-	C	-	-	-	§18-320
Event Space	C	C	C	-	C	C	C	-	-	-	-	C	-	-	-	
Financial Institution	-	-	-	-	P	P	P	-	P	-	P	P	P	-	-	
Funeral Home or Mortuary	-	-	-	-	P	P	C	-	C	-	-	P	-	-	-	
Grocery	-	-	-	-	P	P	P	C	P	P	-	P	-	-	-	
Hotel	-	-	-	-	C	C	C	-	C	C	-	C	-	-	-	
Indoor Recreational Uses, Private	-	-	-	-	P	P	P	C	P	P	-	P	C	-	-	
Massage Therapy	-	-	-	-	P	P	P	P	P	-	P	P	-	-	-	§18-331

Article 3. Uses and Use Standards

**Section 18-304 Principal Uses Table (CONTINUED)**

USE TYPES	DISTRICTS AND ZONES															SPECIFIC USE STANDARDS
	RESIDENTIAL				NON-RESIDENTIAL AND MIXED USES											
	RS-16	RS-12.5	RS-10	RMU	AW	AE	AC/AC-O	M	CS/CS-0	NM	T	GS	CP	PR	PC	
P = PERMITTED / C = CONDITIONAL / - = NOT PERMITTED (See Article 2 for Zone and District Names)																
Medical Care Facility	C	C	C	C	P	P	C	-	C	C	-	P	-	-	-	§18-332
Office	-	-	-	-	P	P	P	P	P	P	P	P	P	-	-	
Restaurant	-	-	-	-	P	P	P	C	P	P	-	P	-	-	-	
Retail	-	-	-	-	P	P	P	P	P	P	-	P	-	-	-	
Services, General	-	-	-	-	P	P	P	P	P	P	-	P	-	-	-	
Services, Personal	-	-	-	-	P	P	P	-	P	P	-	P	-	-	-	
Shared Kitchen	-	-	-	-	P	P	C	P	-	-	-	P	-	-	-	§18-343
Specialized Instruction	-	-	-	-	C	C	C	C	C	C	C	C	-	-	-	§18-345
Vehicle Fueling Station	-	-	-	-	P	P	-	-	-	-	-	P	-	-	-	§18-352
Vehicle Repair and Maintenance	-	-	-	-	P	P	-	P	-	-	-	P	-	-	-	
Vehicle Sales and Rental	-	-	-	-	C	C	-	-	-	-	-	C	-	-	-	
<b>Industrial Uses</b>																
Composting Drop-off Facility	-	-	-	-	-	-	-	C	-	-	-	-	-	-	-	
Craft Beverage Production Establishment	-	-	-	-	C	C	C	P	C	-	-	C	C	-	-	
Manufacturing, Artisan	-	-	-	-	P	P	P	P	P	-	-	P	-	-	-	
Manufacturing, Light	-	-	-	-	-	-	-	P	-	-	-	-	-	-	-	
Production or Processing	-	-	-	-	-	-	-	P	-	-	-	-	-	-	-	
Recycling Drop-Off	-	-	-	-	-	-	-	P	-	-	-	-	-	-	-	§18-339
Self-storage	-	-	-	-	-	-	-	C	-	-	-	-	-	-	-	
Storage Yard	-	-	-	-	-	-	-	P	-	-	-	-	-	-	-	§18-347
Warehouse	-	-	-	-	-	-	-	P	-	-	-	-	-	-	-	
Wholesale								P								

**Section 18-305 Accessory Uses Table**

USE TYPES	DISTRICTS AND ZONES															SPECIFIC USE STANDARDS
	RESIDENTIAL				NON-RESIDENTIAL AND MIXED USES											
	RS-16	RS-12.5	RS-10	RMU	AW	AE	AC / AC-O	M	CS / CS-0	NM	T	GS	CP	PR	PC	
P = PERMITTED / C = CONDITIONAL / - = NOT PERMITTED (See Article 2 for Zone and District Names)																
Cafeteria	-	-	-	-	-	-	-	-	-	-	-	-	P	-	-	
Catering	-	-	-	-	P	P	P	-	P	-	-	P	-	-	-	§18-313
Community Garden	P	P	P	P	-	-	-	-	-	-	-	-	P	P	-	
Curbside Pick-up	-	-	-	-	P	P	P	P	P	-	-	P	-	-	-	§18-321
Dancing and Live Entertainment	-	-	-	-	C	C	C	-	C	-	-	C	-	-	-	§18-322
Drive-through Facilities	-	-	-	-	C	C	-	-	-	-	-	C	-	-	-	§18-323
Family Day Home, 1-4 Children	P	P	P	P	-	-	-	-	-	-	-	-	-	-	-	§18-324
Family Day Home, 5-12 Children	C	C	C	C	-	-	-	-	-	-	-	-	-	-	-	§18-324
Home-Based Business	P	P	P	P	P	P	P	-	P	P	-	P	-	-	-	§18-327
Keeping of Companion Animals	P	P	P	P	P	P	P	-	P	P	-	P	-	-	-	§18-328
Keeping of Fowl or Poultry	P	P	P	-	-	-	-	-	-	-	-	-	-	-	-	§18-329
Keeping of Honeybees	P	P	P	-	-	-	-	-	-	-	-	-	-	-	-	§18-330
Massage Therapy	C	C	C	C	P	P	P	P	P	P	P	P	-	-	-	§18-331
Outdoor Dining, Seasonal	-	-	-	-	P	P	P	P	P	-	-	P	-	-	-	§18-335
Outdoor Dining, Permanent, 1-12 seats	-	-	-	-	P	P	P	P	P	-	-	P	-	-	-	§18-335
Outdoor Dining, Permanent, 13 or more seats	-	-	-	-	C	C	C	C	C	-	-	C	-	-	-	§18-335
Outdoor Display and Sales	-	-	-	-	P	P	P	P	P	-	-	P	-	-	-	§18-336
Outdoor Storage	-	-	-	-	C	C	-	-	C	-	-	-	-	-	-	§18-337
Recycling Drop-off	-	-	-	-	P	P	P	P	P	-	-	P	-	-	-	§18-339

**Section 18-305 Accessory Uses Table (CONTINUED)**

USE TYPES	DISTRICTS AND ZONES															SPECIFIC USE STANDARDS	
	RESIDENTIAL				NON-RESIDENTIAL AND MIXED USES												
	RS-16	RS-12.5	RS-10	RMU	AW	AE	AC / AC-O	M	CS / CS-0	NM	T	GS	CP	PR	PC		
P = PERMITTED / C = CONDITIONAL / - = NOT PERMITTED (See Article 2 for Zone and District Names)																	
Residence for Manager or Employee	-	-	-	-	-	-	-	-	P	-	-	-	-	P	-	-	§18-341
Ride Share and Taxi Standing Area	-	-	-	-	P	P	P	P	P	-	-	P	P	-	-	-	§18-342
Smoking Lounge	-	-	-	-	C	C	C	C	C	-	-	C	-	-	-	-	
Stable and Riding, Personal Use	P	P	P	-	-	-	-	-	-	-	-	-	-	-	-	-	§18-346
Vehicle Charging Station	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	-	§18-351
Wireless Facility	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	-	§18-353

**Section 18-306 Temporary Uses Table**

USE TYPES	DISTRICTS AND ZONES															SPECIFIC USE STANDARDS
	RESIDENTIAL				NON-RESIDENTIAL AND MIXED USES											
	RS-16	RS-12.5	RS-10	RMU	AW	AE	AC / AC-O	M	CS / CS-0	NM	T	GS	CP	PR	PC	
P = PERMITTED / C = CONDITIONAL / - = NOT PERMITTED (See Article 2 for Zone and District Names)																
Construction Site Office and Storage	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	§18-319
Farmers Market	P	P	P	P	P	P	P	P	P	-	-	P	P	P	-	§18-325
Garage Sale or Yard Sale	P	P	P	P	-	-	-	-	-	-	-	-	-	-	-	§18-326
Medical Testing Facility	C	C	C	C	C	C	C	C	C	C	C	C	C	-	-	§18-333
Model Home Sales or Leasing Office/Trailer	P	P	P	P	P	P	P	-	P	P	P	P	-	-	-	§18-334
Portable Storage Container	P	P	P	P	P	P	P	P	P	P	P	P	P	P	-	§18-338
Shelter, Hypothermia Prevention	P	P	P	P	P	P	P	P	P	-	-	P	P	P	-	§18-344
Temporary Family Health Care Structures	P	P	P	-	-	-	-	-	-	-	-	-	-	-	-	
Trailer, Public Use	P	P	P	P	P	P	P	P	P	P	P	P	P	P	-	§18-348
Trailer, Residential Use	P	P	P	-	-	-	-	-	-	-	-	-	-	-	-	§18-349

## **DIVISION 3. USE STANDARDS**

The following uses are specifically regulated as set forth herein.

### **Section 18-307 Adult Business**

1. In addition to the standards for conditional use permit contained in §18-824, the Board of Zoning Appeals shall be prohibited from issuing the said use permit if:
  - A. The location abuts a residentially zoned or residentially used property;
  - B. The use is located closer than 1,000 feet to the property of any church, school, or child care center; and
  - C. No two adult businesses may be located closer than 1,000 feet to each other.
2. Nothing contained herein shall be construed in any way to limit the application of any state statute relating to obscenity or relating to distribution of materials to juveniles.
3. Wide-angle mirrors and/or video systems must be used to provide the manager or operator of the adult business with continuous monitoring of all areas of the establishment.

### **Section 18-308 Adult Day Support Center**

An adult day support center may not operate until a license has been granted by the appropriate Commonwealth of Virginia agency.

### **Section 18-309 Agriculture, Enclosed**

1. Enclosed agriculture shall not include the keeping of any animals, insects, or bees.
2. This use shall not result in the emission of any sounds, odors, or smoke beyond the property line in excess of what is permitted under a normal commercial use.

### **Section 18-310 Animal Care Facility**

1. Exercise runs or pens must be located in the interior of the building.
2. All work rooms, cages, pens, or similar areas where services are provided to animals must be located within a completely enclosed building, and sufficiently soundproofed, maintained, and operated such that no plainly audible noise or plainly noticeable odor can be detected off the premises.
3. Provisions shall be made for the removal and proper disposal of animal food, waste, bedding, deceased animals and debris.
4. Disposal facilities shall be provided and operated so as to minimize vermin infestation, odors and disease hazards.
5. The site plan shall show fencing and building material soundproofing designed to mitigate the noise impact of the proposed use on the surrounding properties.
6. When this uses is approved as a conditional use, the Board of Zoning Appeals may impose additional requirements pertaining to the location of buildings or other structures, entrances and exits; buffers, fencing, soundproofing, odor control, waste storage and removal (including frequency), the number of animals; or other requirements, as the Board deems necessary to protect adjacent or nearby property.

**Section 18-311 Bed & Breakfast**

No more than eight rooms within the principal structure may be used for lodging.

**Section 18-312 Carwash**

1. Any carwash must comply with drive-through standards in §18-323.
2. All washing activity must occur within an enclosed building.
3. Equipment for vacuuming vehicle interiors must:
  - A. Be screened from view from the right-of-way and from all abutting properties;
  - B. Be located a minimum of ten (10) feet from all abutting properties.

**Section 18-313 Catering**

Prior to issuance of certificate of occupancy, the business owner must provide a parking plan for delivery vehicle and mobile food units stored on site.

**Section 18-314 Child Care Center**

1. In addition to the standards set forth herein, all child care centers shall adhere to all applicable standards promulgated by the Virginia State Board of Social Services.
2. A parking and stacking diagram must be submitted to the Town showing that the operations will not impact neighboring businesses. Parking areas and vehicular circulation for the childcare center must be designed to enhance the safety of children as they arrive at and leave the facility. The center must provide a designated pickup and delivery area located adjacent to the childcare center in such a way that children do not have to cross vehicular travel ways to enter or exit the center.
3. Privacy screening at least six feet tall shall be provided along play areas abutting a residential lot or use. Such screening must include a fence and a vegetative buffer. These requirements shall not be construed to permit or require fences or walls, that may be prohibited or required by other sections of this chapter.

**Section 18-315 Club or Service Organization**

Any banquet or event facilities utilized by an organization must meet the standards of an event facility, including parking requirements.

**Section 18-316 College or Technical School**

1. May not include residential, athletic, or large-scale assembly-type facilities.
2. Except when located in the Mill District, the school must not include activities which typically generate significant noise or fumes, such as auto body or engine repair, industrial painting, auto body painting, or manufacturing and production.

**Section 18-317 Commercial Off-Street Parking**

Parking spaces may be rented for parking; however, the repair, servicing, washing, or display of vehicles is not allowed.

### **Section 18-318 Community Garden**

1. Community garden accessory buildings must be limited to storage buildings for tools and greenhouses.
2. Areas used for communal composting must be located a minimum of fifty (50) feet from the perimeter of the site and must not exceed ten percent of the area of the parcel or one hundred (100) square feet, whichever is smaller.
3. The owner of the community garden must designate an operator, who must establish operating rules for the garden, including hours of operation, assignment of garden plots, and maintenance and security requirements and responsibilities.

### **Section 18-319 Construction Site Office or Storage**

1. A building may be used as a temporary office, security shelter, or shelter for the materials or tools necessary for construction on or development of the premises upon which the temporary construction office is located on or near to.
2. Such use shall be strictly limited to the time construction or development is actively underway.
3. This use is only permitted in conjunction with an approved site plan and/or building permit.

### **Section 18-320 Continuing Care Facility**

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### **Section 18-321 Curbside Pick-Up**

Parking spaces on site may be designated as curbside pick-up for patrons of that business who are actively picking up retail goods ordered by telephone or through the Internet, provided the following:

1. The space may be marked as "Curbside Pickup" with signage that shall not exceed one and one-half (1.5) square feet in area per §18-539.5.
2. No more than three (3) spaces may be designated per business.
3. The space(s) shall not be located within twenty (20) feet of any ingress/egress to the property.
4. The space(s) may not impede the flow of traffic within the facility or create an unsafe environment for pedestrians.
5. The location and functionality of the space(s) are not inconsistent with the approved site plan for the overall development.

### **Section 18-322 Dancing and Live Entertainment**

Dancing and live entertainment areas may be allowed accessory to restaurants or food service, provided the dancing area, together with any live entertainment area, does not exceed twenty-five (25) percent of the gross floor area of the restaurant.

### **Section 18-323 Drive-Through Facilities**

1. A drive-through facility shall be designed as complementary to the principal building it serves.

- 2. Drive-through features shall not have any pick-up windows, ordering areas, signage, or other related items located on the front elevation of a building or located between the front building wall and street right-of-way.
- 3. Where a structure served by a drive-through facility is located on a corner lot, the orientation of the drive-through facility and the principal structure shall be located such that the drive-through facility is not located between the principal structure and the intersection of the main thoroughfare.
- 4. Vehicles shall not be permitted to wait or stack within any public right-of-way for service at any drive-through.
- 5. See Article 5A §18-532 for stacking standards.
- 6. A drive-through lane shall be a minimum of eleven (11) feet wide.
- 7. A drive-through may have more than one window for ordering, paying and pickup; provided, however, there shall not be more than one drive-through lane on a property.
- 8. The signage provided by the restaurant in the drive aisle for patrons to view the menu of options shall not be more than twenty-four (24) square feet in total area and shall not emit any sound, noise, or music other than an order speaker of reasonable noise levels. All advertisements related to drive-through services shall be located on the order board.
- 9. Drive-through facilities adjacent to residentially zoned properties shall meet the following applicable criteria:
  - A. A drive-through facility operating later than 10:00 p.m. shall not have any portion of its operation (including, but not limited to, the stacking lane, menu boards or speaker boxes) located closer than 75 feet from any residentially-zoned property.
  - B. No speaker box or other audio mechanism, regardless of operating hours, shall be located closer than thirty-five (35) feet from any residentially zoned property.
- 10. Application submittals for this use must include the following:
  - A. A written statement describing the proposed use and providing all information pertinent to the review of the application. Such information shall include, but not be limited to:
    - i. Type of product or service to be offered;
    - ii. Proposed hours of operation and employee staffing;
    - iii. Plans for the control of litter and the disposal and recycling of waste material;
    - iv. Effects on air quality at the site and in adjacent areas; and
    - v. Estimates of sound levels that would be generated by the proposed use at site boundary lines.
  - B. A traffic analysis providing information that includes, but is not limited to:
    - i. Estimates of the number of vehicle trips and the amount of vehicular stacking that would occur daily and during a.m./p.m. peak hours;
    - ii. Trip generation by use type;
    - iii. Estimated internal and external traffic flows;
    - iv. Parking and vehicular stacking spaces that would be provided on-site;

### Article 3. Uses and Use Standards

- v. Data on existing traffic conditions and the traffic-handling capacity of roads fronted by the proposed use;
  - vi. Sight distances at points of ingress and egress;
  - vii. Pedestrian and bicycle traffic; and
  - viii. Any other site-specific traffic factors or public safety issues associated with the application.
11. Applications for drive-through facilities will be evaluated on the basis of the following criteria, with emphasis given to potential adverse effects on adjoining or nearby properties:
- A. Location and arrangement of any drive-through window in relation to adjoining properties and public rights-of-way.
  - B. Appropriateness of proposed hours of operation.
  - C. Traffic circulation patterns, including safe ingress and egress, and a clear designation of drive-through aisles through the use of paving materials, pavement markings or landscaping.
  - D. Pedestrian circulation and safety.
  - E. Adequacy of screening of vehicle use and parking areas.
  - F. Noise impact associated with, but not limited to, exterior speakers and motor vehicles.
  - G. Compliance with Federal, Commonwealth, and local pollution standards.
  - H. Other factors, as deemed appropriate, that affect the health, safety, and general welfare of the community.

#### **Section 18-324 Family Day Home**

1. A family day care home may provide care for up to twelve (12) children, subject to the following requirements:
- A. Family day care homes shall obtain a state license, if required. State licenses are required for such homes providing care for five (5) to twelve (12) children.
  - B. When calculating the total number of children cared for, resident children shall be excluded.
  - C. The facility shall be the principal residence of the operator(s) of the family day care home.
  - D. The facility shall comply with any and all requirements of State and Town codes, including [Title 63.2, Ch. 17, Code of Virginia](#).
  - E. One nonresident person, whether paid or not for their services, may be involved in the home day care use on the property at any one time. The hours of the nonresident person's involvement are limited to 7:00 AM to 6:00 PM, Monday through Friday.
  - F. There must be no exterior evidence that the property is used in any way other than as a dwelling, except that play equipment and other accessory uses and structures.

- 2. Adequate space shall be provided for drop-off and pickup of children in a manner that does not interfere with traffic circulation in the neighborhood. Drop-offs and pick-ups shall be staggered as necessary to address potential traffic issues on the neighborhood streets. The Board of Zoning Appeals may require the provision of additional off-street parking spaces based on the maximum number of vehicles expected to be on-site at any one time.
- 3. The Board of Zoning Appeals may require the provision of landscaping and screening based on the specifics of each application.
- 4. A change in any of the following will require an amendment to prior approval:
  - A. Increase in the number of children cared for by the operators of the business;
  - B. Involvement of more than one nonresident person; or
  - C. Major changes to the site including the reduction of available parking.

**Section 18-325 Farmers' Market**

- 1. The Town Council is authorized to permit one private farmers' market or marketplace in the Town each year from May 1 to October 31, inclusive, at a location authorized by approved by the Town Council or other public property and only for the sale of vegetables, fruits, agricultural and farm products of a perishable nature grown or produced by the vendors thereof and not purchased by the vendors for sale.
- 2. Conduct of such markets or marketplaces shall be in compliance with all applicable federal, state and local laws, including but not limited to §8-31.
- 3. The hours of activity shall be limited to 7:30 a.m. until 1:30 p.m.

**Section 18-326 Garage or Yard Sale**

- 1. Two (2) yard sales are permitted on each single-unit lot per calendar year.
- 2. Garage or yard sales shall be limited to no more than the daylight hours of two (2) consecutive days or two (2) consecutive weekends (Saturday and Sunday).

**Section 18-327 Home-Based Business**

- 1. The following uses are not permitted as home-based businesses:
  - A. Vehicle service and repair;
  - B. Plant nurseries and greenhouses;
  - C. Manufacturing, heavy, which relates to the handling, processing, packing, or serving of food directly or indirectly to the public;
  - D. Medical or dental laboratory;
  - E. Restaurant or food services;
  - F. Bulk storage of flammable liquids;
  - G. Funeral homes;
  - H. Boardinghouses;
  - I. Massage therapist or massage therapy establishments; and
  - J. Boarding establishments, kennels, breeding of animals, and animal care facilities.

## Article 3. Uses and Use Standards

2. All home-based businesses shall comply with the following requirements:
  - A. Shall be operated entirely within the dwelling unit or accessory structure and only by the person maintaining a dwelling therein;
  - B. Shall not cause any change in the outside appearance of the building or premises, or any other visible evidence of the conduct of a home-based business;
  - C. Shall not utilize more than twenty-five (25) percent of the gross livable floor area of the dwelling, including the basement;
  - D. Shall not employ any person other than a member of the immediate household residing on the premises;
  - E. Shall not use any equipment other than that normally used for domestic, hobby, and household or small office purposes in a dwelling;
  - F. Shall not involve the emission of any sounds, odors, or smoke beyond the property line in excess of normal single unit dwelling use;
  - G. Shall not include any service involving the presence of more than one customer or client on the premises at a time and must be by appointment basis only;
  - H. Shall not constitute a nuisance because of impacts on sidewalk or street traffic;
  - I. Shall not adversely affect the use and development of adjoining properties in the immediate neighborhood;
  - J. Shall not include the storage of hazardous materials; and
  - K. Shall not include the display of products visible from the street.
3. No person shall conduct a home-based business without obtaining the appropriate business, service or occupational license required by law. All home occupations shall comply with applicable state, federal, and local regulations.

### **Section 18-328 Keeping of Companion Animals**

1. The keeping of companion animals is allowed as an accessory use on any lot if the animals are not kept for the purpose of commercial breeding, boarding, or any other activity meeting the definition of a boarding establishment, kennel, or animal shelter.
2. Hutches, animal houses, coops, runs, cages, pens and other similar structures for the housing of domestic animals shall be located in the rear yard only; in no instance shall a structure, run or pen be located closer than ten (10) feet to any lot line.

### **Section 18-329 Keeping of Fowl or Poultry**

1. The keeping of domesticated fowl or poultry on an occupied single-unit residential lot shall be allowed, provided that:
  - A. Fowl shall be provided with a clean, covered, well-ventilated enclosure that is secure from predators.
  - B. Coops, runs, and other enclosures must be located in the rear yard and shall be set back ten (10) feet from all property lines.
  - C. No person shall keep any roosters, gamecocks, or male peacocks.
  - D. The slaughtering of fowl is prohibited.
  - E. Sale of eggs must be compliant with State Code [§ 3.2-5305](#).

2. Any person who keeps fowl under this section shall comply with all Town and Virginia laws, ordinances, and regulations regarding care, shelter, sanitation, health, noise, cruelty, neglect, reasonable control, and any other requirements pertaining to the adequate care and control of animals in the Town.

**Section 18-330 Keeping of Honeybees**

1. The keeping of beehives on an occupied single-unit detached residential lot shall be allowed, provided that:
  - A. Beehives will be located in the rear yard and not be located any closer than ten (10) feet from any side or rear lot line.
  - B. A constant supply of fresh water shall be provided on the lot within twenty (20) feet of all hives. The water source shall be maintained so as not to become stagnant.
  - C. Any hive openings within ten (10) feet of a property line must have a flyway barrier six (6) feet in height erected parallel to the property line between the hive opening the property line.
    - i. The flyway barrier shall consist of a wall, solid fence, dense vegetation, or a combination thereof extending five (5) feet beyond the hive in each direction.
    - ii. Initial planting of a flyway barrier of dense vegetation may be planted at four (4) feet in height provided the vegetation is expected to reach six (6) feet in height or higher.
    - iii. Barriers shall be maintained in good condition so that all bees are encouraged to fly at an elevation of at least six (6) feet above ground level.
2. Where a colony exhibits aggressive or swarming behavior, the beekeeper shall ensure that the colony is re-queened or removed. Aggressive behavior is any instance in which unusual aggressive characteristics such as stinging or attacking without provocation occurs.

**Section 18-331 Massage Therapy**

1. It shall be unlawful for any person to operate or engage in the business of operating any massage salon, massage parlor, or massage therapy establishment within the Town without first having obtained a permit for the operation and a Town-issued license for each masseur, masseuse or massage therapist and complying with all the provisions of [Chapter 22](#).
2. It shall be unlawful for any person to provide massages or be employed as a massage therapist in the Town unless they have been issued a license as provided in [Chapter 22](#).

**Section 18-332 Medical Care Facility**

1. All such uses shall be designed to accommodate service vehicles with access to the building at a side or rear entrance.
2. All off-street parking and loading areas shall be effectively screened from residential properties.

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3. No such use shall be operated without approval and, where appropriate, licensing by such agencies as the Virginia Department of Social Services, the Virginia Department of Health, and other such appropriate local, state and federal agencies which may have authority in a particular case.

### Section 18-333 Medical Testing Facility

1. Any of the following approved uses under this section may, upon application and approval by the Town Manager, operate licensed temporary medical testing facilities during times of public health emergencies, as declared by local, state, or federal government agencies:
  - A. Churches and other places of worship.
  - B. Colleges and schools (private, elementary, middle, and high) of a noncommercial nature.
  - C. Public buildings and uses.
2. The Town Manager shall set conditions of the operation of temporary medical testing facilities, including (but not limited to) dates, hours of operation, and form of accepting appointments.

### Section 18-334 Model Home Sales or Leasing Office/Trailer

1. Temporary residential sales offices and model homes may be located within a residential district as part of an ongoing residential development. Such offices and homes shall be removed or converted to a use permitted within the district when use as a sales office or a model home has ceased.
2. Model homes for new subdivisions shall only be occupied for residential habitation after all business activities have ceased. Upon the completion of the sale, the home shall comply with all applicable residential parking standards.

### Section 18-335 Outdoor Dining

Outdoor dining may be permitted on a roof garden of a principal building or at ground level tables directly adjoining a building, subject to the following provisions:

#### 1. General provisions:

- A. The property owner or property manager acting on behalf of a property owner must authorize any proposed outdoor dining located on their property.
- B. All structures, features, furnishings, and exterior modifications shall be subject to review by the Board of Architectural Review, except for restaurants located within buildings developed under [§18-236](#).
- C. All applications shall include to-scale plans showing the location of any outdoor dining furniture or structures.
- D. Permanent changes shall be subject to site plan control provisions under [§18-836](#).
- E. Outdoor dining furniture and equipment shall not block pedestrian access or interfere with ADA accessible routes to and from buildings and public facilities.
- F. Outdoor dining is subject to review by the building code official.

- G. Outdoor dining furniture and equipment shall not block fire entry or exits points, fire department connections (FDC), or any other required safety exits. Outdoor dining shall not be located in or block any designated fire lanes. Outdoor dining areas are subject to review by the Fairfax County Fire Marshal.
- H. Outdoor dining is not permitted within sixty (60) feet of properties which are both residentially zoned and utilized. Outdoor dining located between sixty (60) to seventy-five (75) feet of a residentially zoned property utilized for residential uses must meet the following criteria:
  - i. May not serve alcohol outside.
  - ii. May not have servers outside.
  - iii. May have no more than eight seats.
  - iv. Hours of operation ending at 7:00 p.m.
- I. All restaurants must adhere to the Town's noise ordinances set forth in §10-20.1 and §10-44 of the Town Code.
- J. Amplified sound, including music, is not permitted outdoors, except as otherwise permitted with a conditional use permit per §18-824.
- K. Permits for permanent and seasonal outdoor dining may be revoked if it is found any conditions listed in this chapter are not adhered to.

**2. Permanent outdoor dining provisions:**

- A. Outdoor dining with more than twelve (12) seats requires a conditional use permit and will be subject to §18-824 of this chapter.
  - i. In addition to criteria set forth under §18-824, adverse impacts to surrounding properties including, but not limited to, noise and lighting shall be considered by the Board of Zoning Appeals when reviewing an application for a conditional use permit.
  - ii. Hours of operation for outdoor dining shall be considered by the Board of Zoning Appeals when reviewing an application for a conditional use permit.
- B. Any permanent outdoor dining seats shall count towards the parking requirement for restaurants, subject to Article 5 of this chapter.
- C. Permanent outdoor dining shall be located on a permanent surface, such as a private sidewalk, deck or patio.
- D. Permanent outdoor dining shall include adequate protection from vehicles.

**3. Seasonal outdoor dining provisions:**

- A. Seasonal outdoor dining may be permitted in off-street parking spaces from April 1 to October 31. Otherwise §18-525 shall apply.
- B. Seasonal outdoor dining areas may only be active on:
  - i. Sundays from 10:00 a.m. to 9:00 p.m.
  - ii. Monday through Thursday from 9:00 a.m. to 9:00 p.m.
  - iii. Fridays from 9:00 a.m. to 9:30 p.m., and
  - iv. Saturdays from 10:00 a.m. to 9:30 p.m.

## Article 3. Uses and Use Standards

- C. Seasonal outdoor dining requires the issuance of a permit, which is to be reviewed and issued annually by the Zoning Administrator. The permit may be revoked if it is found any conditions listed in this chapter are not adhered to.
- D. Applicants will be required to provide written notice detailing seasonal outdoor dining plans to all business owners located within the same property/shopping center of the applicant's business. A permit may not be issued until thirty (30) days after abutting and adjacent business owners have been notified of the intention to apply for seasonal outdoor dining. A notarized affidavit shall be submitted with the application to verify that this notification requirement has been met.
- E. No more than twenty (20) percent of the required off-street parking spaces for a restaurant may be utilized for outdoor dining. If there are excess parking spaces above the minimum number of off-street parking spaces required per §18-531, those spaces may also be utilized for outdoor dining.
- F. Seasonal outdoor dining shall be protected from vehicular traffic with rigid barriers.
- G. Total number of seats shall not exceed the number of parking spaces utilized for outdoor dining, multiplied by eight (8).
- H. Outdoor dining cannot interfere with the use of a refuse storage area or the use of a loading space.
- I. Only non-permanent structures, such as tents, are allowed to take up said parking spaces and parking spaces must be able to be easily converted back to be used for parking.
- J. Parking lot striping shall not be changed without site plan approval.
- K. ADA spaces shall not be used or moved for outdoor dining without site plan approval.

### Section 18-336 Outdoor Display and Sales

1. Regulations within this Chapter that govern outdoor storage and display shall apply in all districts and zones in which it is permitted.
2. Outdoor display is the display of products actively available for sale. Outdoor displays are only permitted in conjunction with an established business on the same lot and must be brought indoors when the associated business is closed.
3. Outdoor displays shall be allowed adjacent to a principal building wall and extending to a distance no greater than ten (10) feet from the wall. Such displays shall not be permitted to block windows, entrances or exits, and shall not impair the ability of pedestrians to use sidewalks.
4. Seasonal displays and decoration not advertising a product, service or entertainment, displayed for a period not exceeding forty-five (45) consecutive days, shall be exempt from these provisions.

### Section 18-337 Outdoor Storage

1. Raw materials, supplies and finished or semi-finished products may be stored in the open within the setback requirement for the area, if they are properly screened from streets and any abutting property by landscaping, or ornamental masonry walls.

2. Fencing or ornamental masonry walls used for screening shall be solid and a maximum of six (6) feet in height or a minimum height equal to the material stored.
3. Outdoor storage facilities shall not occupy more than five percent of the area of the lot.
4. Fuel storage tanks utilized as part of the heating equipment of an establishment shall be located underground or in a building.
5. 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, which shall then be subject to the fire regulations of the Town and of Fairfax County.

**Section 18-338 Portable Storage Containers**

Notwithstanding any contrary provisions of this chapter, portable storage containers located outside of a fully-enclosed building or structure shall be allowed subject to the following restrictions:

1. No more than one portable storage container shall be allowed on a lot, and for no longer than a total of thirty (30) days in any consecutive twelve (12) month period; provided, however, that during a bona fide construction activity and a building permit on such lot, and for an additional period of twenty-four (24) hours before and after such construction, a portable storage container used in connection with such construction activity may remain for a period not exceeding a total of six (6) months in any twelve (12) month period;
2. No portable storage container shall have dimensions greater than sixteen (16) feet in length or eight (8) feet in height; and
3. Except where a building permit has been issued, all portable storage containers shall be located on private property and on a driveway or other paved surface.

**Section 18-339 Recycling Drop-Off**

1. All recyclable materials must be stored in a fully enclosed building, or in closed containers completely enclosed by an opaque wall or fence that complies with the dimensional standards for a principal building, such that neither the recyclable materials nor the containers in which they are stored are visible from any public right-of-way or adjacent lots.
2. Containers shall be constructed and maintained with durable waterproof and rust-proof material and shall be covered at all times when not attended.
3. Containers shall be clearly marked to identify the type of recyclable materials which may be deposited.
4. Containers shall be clearly marked to identify the name and telephone number of the person or organization responsible for maintaining and collecting materials.
5. Location of containers must be approved by the Fire Marshal and Building Code Official.
6. Collection may occur only during hours of operation of the principal use.
7. Collectors are required to handle all batteries and other hazardous materials in accordance with federal regulations.

**Section 18-340 Religious Assembly**

1. The regulations that relate to religious assembly uses address land use matters only and do not affect an individual's right to determine and exercise their religious beliefs.
2. The use of land, buildings, and facilities associated with a religious assembly use may be used for other accessory purposes in furtherance of the mission of the religious assembly use. These additional uses, such as child day centers or private schools, require a conditional use permit if the requirement is specified in that district or zone.
3. In non-residential districts or zones, any parsonage or rectory must be located in conjunction with, on the same lot as, and within the same structure as a religious assembly use.

**Section 18-341 Residence for Manager or Employee**

A residence for manager or employee may be permitted as an accessory to a nonresidential principal use, provided that they are used exclusively by the owner, manager or operator of the use.

**Section 18-342 Ride Share and Taxi Standing Area**

1. The area shall not be larger than ten (10) ft. by twenty (20) ft. and shall be located within one hundred (100) feet of the main pedestrian entrance of a building.
2. The area may be painted or striped to indicate that the area is designated for ride share use only.
3. The area shall be maintained and kept clear of trash and other debris at all times.
4. The area may not impede the flow of traffic within the facility or create an unsafe environment for pedestrians.
5. The location and functionality of the area shall not be inconsistent with the approved site plan for the overall development.

**Section 18-343 Shared Kitchen**

1. Each shared kitchen user shall have a separate business license;
2. A shared kitchen shall be used for the preparation of food for public consumption off site only; and
3. The operators of a shared kitchen shall submit a parking plan, acceptable to the Zoning Administrator, that provides adequate on-site or off-site parking for the users of the shared kitchen during hours of operation.

**Section 18-344 Shelter, Hypothermia Prevention**

1. Shelters may exist only within non-residential facilities.
2. Host location must have a valid conditional or special use permit.
3. Operation must be registered through the Fairfax County Hypothermia Prevention Program.
4. Operation is limited to two weeks per winter season, during the months of December through March.

- 5. Maximum number of guests and volunteers permitted is determined by the Building Official and Fire Marshal.
- 6. Hours of operation of the shelter are limited to 4:30 pm to 7:30 am.

**Section 18-345 Specialized Instruction**

- 1. Specialized instruction classes or camps may operate only in non-residential facilities.
- 2. Operators of specialized instruction classes or camps must ensure the safety of their students during their arrival and dismissal.
- 3. Operators must use off-street spaces for student drop-off and pick-up.
- 4. Drop-off and pick-up may not impede the flow of traffic within the parking area or in public right-of-way, or create an unsafe environment for pedestrians.

**Section 18-346 Stable and Riding (Personal Use)**

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 or horses are kept shall be fenced in a manner which will prevent any or all of them from straying closer than ten feet from any property line of the owner or keeper.

**Section 18-347 Storage Yard**

- 1. Supplies and materials may be stored outside provided all such outside storage is contained within and screened from the outside on all sides by an ornamental masonry wall not less than six (6) feet in height.
- 2. A chain link or other acceptable open fence, not less than six (6) feet in height, may be substituted in part or in total for the opaque wall or fence when, in the judgment of the Zoning Administrator after consultation with the Director of Public Works, it is determined that:
  - A. Due to topographic conditions, a solid fence would not screen the storage area from residential property at higher elevation, or other public view in general; or
  - B. Solid screening from view at ground level is not a paramount consideration. An example would be when the only view is from the storage area of one property to an immediately adjacent storage area and there is no other view by the public.

### **Section 18-348 Trailer, Public Use**

A public use trailer or a public use manufactured home may be permitted to serve an interim need as part of a permitted public use subject to the following standards and procedures:

1. The Town Council may approve, for a period of up to three (3) years, a public use trailer or temporary public use manufactured home upon finding that such installation complies with the applicable provisions of this chapter and is consistent with the conditions of any permit for the principal use issued pursuant to §18-824.
2. For an existing public use trailer permitted by the Council, upon a finding that the public health, safety and welfare of the Town will not be thereby impaired, Council may extend the time allowed for a public use trailer for additional periods of up to two (2) years each pursuant to §18-839.
3. All public use trailers must comply with all provisions of this chapter and be consistent with all conditions of any permit issued pursuant to §18-824, unless such requirements are modified pursuant to §18-839.
4. Notwithstanding the provisions in subsections 1 through 3 of this section, the Town Manager may approve installation of a public use trailer or public use manufactured home in order to respond to exigent needs. Such approval shall be for an interim period, not to exceed one (1) school year, pending satisfaction of the requirements of this section.

### **Section 18-349 Trailer, Residential Use**

Notwithstanding the prohibitions set forth in this section, the Town Council may authorize the temporary use of a trailer or mobile home as a dwelling for a period not to exceed six (6) months by residents of the Town where the Council is first satisfied that such temporary use is required during the reconstruction of a dwelling located in the Town, and that the dwelling formerly occupied by said residents has been destroyed or rendered uninhabitable by fire or other disaster not willfully caused by such residents. Any such authorization of the Council pursuant hereto may be revoked by the Council prior to expiration of the six (6) month period if revocation is deemed by the Council to be necessary in the public interest.

### **Section 18-350 Upper-Story Residential**

At least 75% of the ground floor occupiable space shall be used solely for nonresidential uses, which may not include nonresidential functions related to the upper story residential units. The remaining ground floor may be used for non-occupiable residential spaces such as entry lobbies and similar amenities for residents' use.

### **Section 18-351 Vehicle Charging Station**

Standards when permitted as an accessory use:

1. An electric vehicle charging space as an accessory use is permitted provided that the space does not interfere with vehicular, bicycle, or pedestrian circulation, including fire lanes and access to the site.

2. When accessory to any residential development:
  - A. Electric vehicle charging is allowed only for the residents and their guests; and
  - B. Unless located in a parking structure, chargers are limited to Level 1 or Level 2 facilities as defined by the U.S. Department of Energy.
3. When accessory to any nonresidential or mixed-use development:
  - A. The space must be located in a parking structure or parking lot that serves a principal use; and
  - B. The minimum height of the dispenser is three (3) feet.
4. When located in a surface parking lot and not mounted on the exterior of the principal structure, or when located on the top level of a parking structure open to the sky:
  - A. The maximum height of the dispenser and any associated transformer, switchgear, or other similar items is nine (9) feet;
  - B. A canopy is not permitted in association with an electric vehicle charging space located in a surface parking lot unless it supports a solar collection system. Any canopy supporting a solar collection system must comply with height and setback requirements for a freestanding accessory structure herein and cannot include signage or illumination on the sides of the canopy;
  - C. On the top level of a parking structure, a canopy may be allowed if it does not include signage or illumination on the sides of the canopy;
  - D. Electric vehicle charging spaces and related equipment cabinets or structures must not be located in any required transitional screening yard. The location of plantings required for parking lot landscaping may be modified for electric vehicle charging spaces but the parking lot landscaping requirements must be in accordance with this Chapter; and
  - E. Related equipment, including transformers, switchgear, and other similar items must be screened with a fence, wall, berm, evergreen landscaping, or any combination. Any landscaping used for screening purposes must be maintained.
5. Each dispenser is permitted to have digital display area up to one and one-half (1.5) square feet in size. Digital display areas greater than one and one-half (1.5) square feet are regulated as signs herein.
6. Accessory electric vehicle charging spaces must be in conformance with any zoning approvals.
7. An electric vehicle charging station that does not conform to the standards in subsections 1-6 above is considered a vehicle fueling station.
8. Dedicated parking spaces for electric charging may occupy ten (10) percent of required parking, rounding up to the nearest whole number, and any parking spaces provided above the minimum required.

### **Section 18-352 Vehicle Fueling Station**

1. Gasoline pumps shall be erected at least ten feet behind the building line.
2. 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.

### Article 3. Uses and Use Standards

3. A vehicle fueling station may not be used for the performance of major repairs; however, within a completely enclosed structure, it may include accessory minor servicing and repair of vehicles, such as:
  - A. The sales and servicing of spark plugs, batteries, distributors, brakes, and tires, but not include recapping or regrooving;
  - B. The replacement of mufflers, tail pipes, fan belts, grease retainers, wheel bearings, and the like;
  - C. Greasing, lubrication, and radiator flushing;
  - D. Repair of carburetors, fuel, oil, and water pumps and lines;
  - E. Minor motor adjustments not involving removal of the head or crank case or racing the motor; and
  - F. Emergency wiring repairs.
4. A vehicle fueling station may have no more than three minor servicing or repair bays.
5. Wrecked, inoperative, or abandoned vehicles may not be stored outdoors for a period of more than seventy-two (72) hours.
6. Dismantling, wrecking, or sale of such vehicles or their parts is not permitted.
7. The retail sales of food, beverages, and other frequently needed items for household consumption is allowed, in accordance with the following:
  - A. The maximum gross floor area devoted to such sales is two thousand five hundred (2,500) square feet; and
  - B. The preparation of food is not allowed, except for that allowed in a Limited Food-Service Establishment in accordance with [Chapter 43.2](#) of the Fairfax County Code or the use of microwave ovens by customers for purchased food items.
8. Fuel pumps may not produce amplified sound at a volume that renders the sound perceivable above ambient noise levels at any lot line.

#### **Section 18-353 Wireless Facility**

RESERVED

# ARTICLE 4A. DEVELOPMENT STANDARDS – SINGLE-UNIT DETACHED RESIDENTIAL USES

# 4A

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## DIVISION 1. GENERAL PROVISIONS

### Section 18-401 Purpose

The standards in this Article 4A apply generally to all new construction, additions, and alterations in any RS-10, RS-12.5, or RS-16 zone. Standards for principal structures (single-unit residential homes) relative to maximum permitted heights and required setbacks may be found in [Article 2](#).

### Section 18-402 Frontage Improvements

1. The developer of any lot shall dedicate land along the lot frontage for sidewalk, curb, and gutter improvements as shown in the adopted Town Pedestrian Plan. Dedication of such improvements shall be in accordance with the standards set forth in this Chapter.
2. The developer of any lot that fronts an existing street shall dedicate land, construct a sidewalk, and connect such new sidewalk to the existing adjacent sidewalks, if any. Such new sidewalk shall be constructed in accordance with the standards set forth in this Chapter.
3. Upon application by the developer to the Town, the Town Council designates the Director of Public Works to waive, in exceptional circumstances, in consultation with the Town Attorney and Town Manager, in his or her discretion, the construction of such new sidewalk and permit the deposit of designated funds for such construction.

## DIVISION 2. ACCESSORY STRUCTURES AND AMENITIES

### Section 18-403 Accessory Structures Generally

1. Accessory structures are allowed only in connection with, incidental to, and on the same lot with a principal use or structure that is permitted.
2. Accessory structures on lots zoned for single-unit detached residential homes may include the following:
  - A. Detached garages or carports
  - B. Sheds and similar storage structures
  - C. Green houses
  - D. Gazebos and similar structures
  - E. Animal hutches or other enclosures per [§18-328](#), [§18-329](#), and [§18-330](#)
  - F. Other similar structures as determined acceptable by the Zoning Administrator
3. Accessory structures shall be located only in the rear yard.
4. A two-story accessory building is permitted provided that no part of it shall exceed the height of the principal building.
5. An accessory structure may not occupy more than thirty (30) percent of the area of a rear yard.
6. No accessory structure may be used for dwelling purposes.
7. A private automobile garage having any part of a wall in common with a dwelling is considered a part of the principal building and is not an accessory structure for purposes of this Chapter.

**Section 18-404 Accessory Structure Setbacks**

The required setbacks for accessory structures are based on the following criteria, and multiple criteria may apply:

Criteria	Setback
Location in relation to principal structure	Ten (10) ft. min. from principal structure
Located on corner lot	Thirty-five (35) ft. min. from corner side yard and Five (5) ft. min. from side yard of adjoining lot
One-story or no greater than fourteen (14) ft. in height	One (1) ft. min. from rear or side yard or any alley line
Two-story or more than fourteen (14) ft. in height	Ten (10) ft. min. from rear and side yard
Animal hutches or other enclosure	Ten (10) ft. min. from rear and side yard

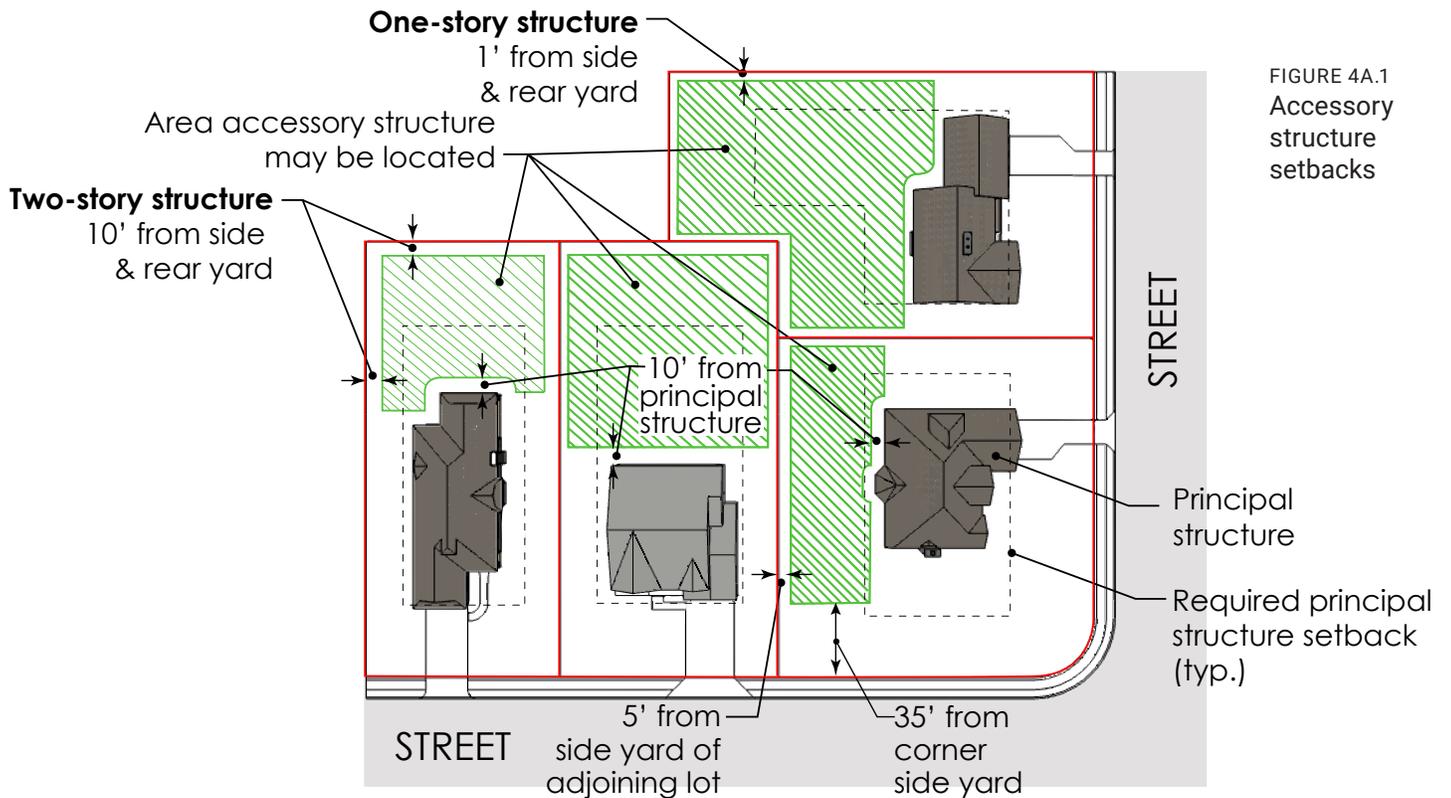


FIGURE 4A.1 Accessory structure setbacks

**Section 18-405 Decks**

Uncovered decks may encroach into the required rear yard by up to ten (10) feet and any other required yard by up to four (4) feet. See [Article 2 §18-215](#).

**Section 18-406 Patios**

Patios may be located in any yard so long as they are set back at least three (3) feet from any property line.

**Section 18-407 Swimming Pools and Outdoor Hot Tubs**

1. A swimming pool or hot tub may be located only in the rear yard.
2. A swimming pool may occupy not more than twenty-five (25) percent of the area of the rear yard.
3. The front edge of the swimming pool shall be no less than five feet from an extension of the rear wall line of the principal building on the adjacent lots.
4. The setbacks for swimming pools and outdoor hot tubs are based on the following criteria, and multiple criteria may apply:

Criteria	Setback
Located in rear yard	10 ft. min. from side or rear property line
Location in relation to principal structure	10 ft. min. from principal structure
Located near an alley	20 ft. min. from property line adjoining alley
Located on corner lot	35 ft. min. from corner side yard and 10 ft. min. from side yard of adjoining lot

5. See **Chapter 19. Swimming Pools** for more standards and required permits.

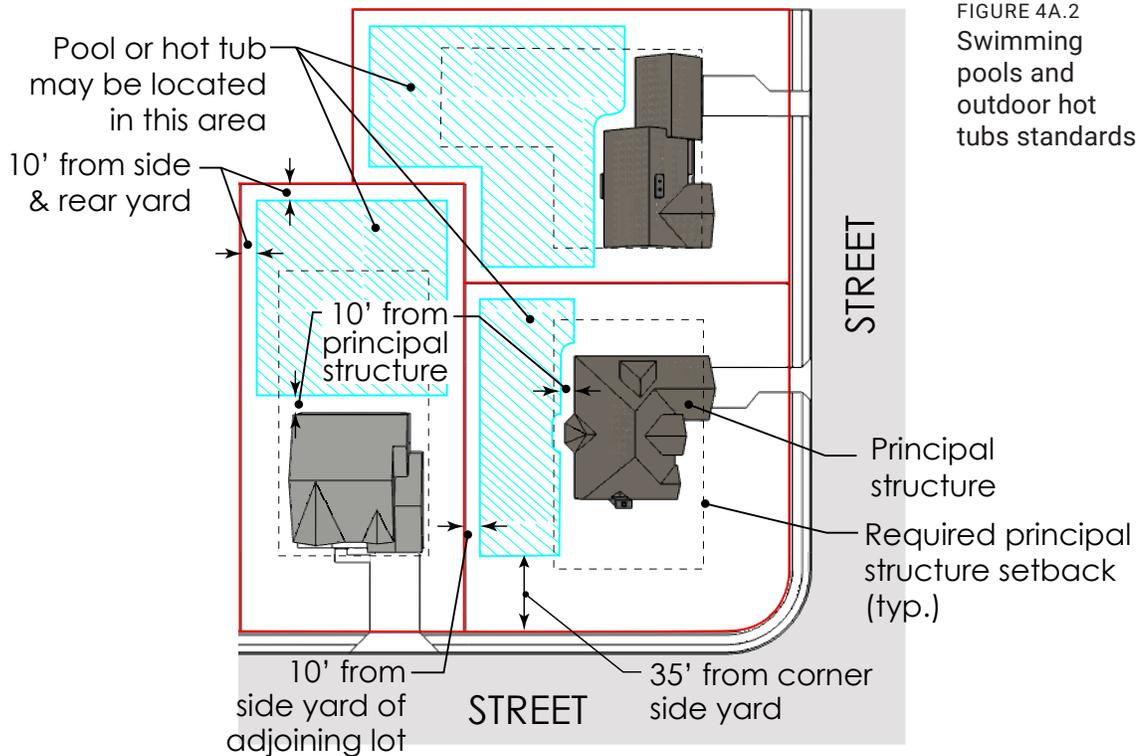


FIGURE 4A.2  
Swimming pools and outdoor hot tubs standards

**Section 18-408 Satellite Antennae**

**1. Location, number and size.**

- A. Only one satellite antenna, which may not exceed fourteen (14) feet in diameter, may be erected or installed on any one building lot in the Town regardless of the zone in which it is located.
- B. Any such antenna shall be located only in the rear yard of such lot no closer than fifteen (15) feet to any side or rear lot line nor less than ten (10) feet from the rear of a principal building; provided, however, that in lieu of any such antenna in a rear yard, one (1) satellite antenna four (4) feet or less in diameter may be suitably mounted to the roof area of a building.
- C. **Corner Lot.** No satellite antenna on any corner lot shall be erected forward of the building line of any adjoining lot nor closer than fifteen (15) feet to the side of such adjoining lot.
- D. **Height limitation.** No satellite antennae mounted in any such yard shall exceed eighteen (18) feet measured vertically from the highest point of the signal receiving apparatus, when positioned for operation, to the bottom of the base which supports the satellite antenna, except any antenna which pursuant to this section may be located and suitably mounted to the roof of a building.

**2. Mounting and Screening.**

- A. **Ground mounting.** All satellite antenna shall be ground-mounted pursuant to all requirements of the building code after securing the proper building permits, and shall be sufficiently secured to withstand a 100-year windstorm, with the exception of any such antenna four (4) feet or less in diameter, which is otherwise permitted by this section to be mounted to the roof area of a building.
- B. **Screening.** All ground-mounted satellite antenna over four (4) feet in diameter shall be screened from adjoining properties by a wooden or masonry fence of six (6) feet in height or by a living screen of evergreen plantings not less than five (5) feet in height at the time of planting, planted no more than five (5) feet on center and of a variety which will mature to a height of at least six (6) feet. All such fences or plantings shall be fully and properly maintained during such time as the antenna being screened shall remain in such location.

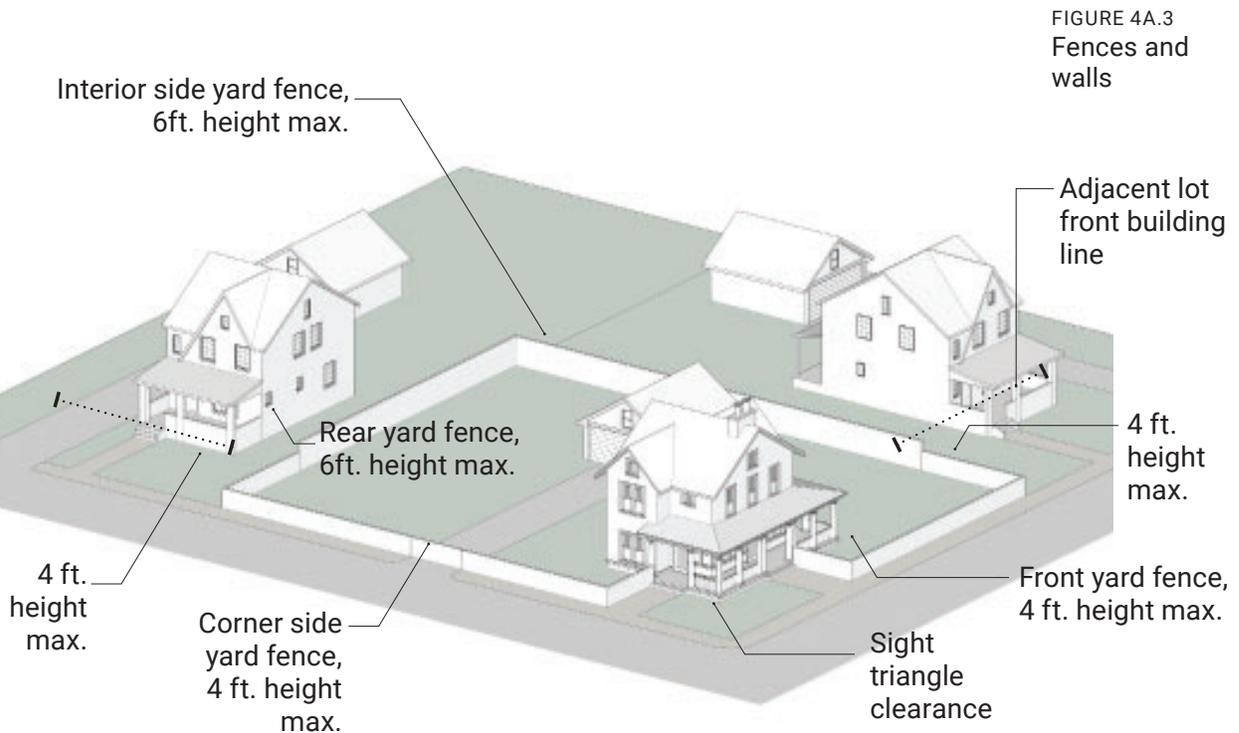
### DIVISION 3. LANDSCAPE, SCREENING, FENCES, AND WALLS

#### Section 18-409 Minimum Tree Canopy Coverage

See Chapter 17.

#### Section 18-410 Fences

1. Fence height standards shall be as follows:
  - A. Front Yard: Four (4) feet max. (Note: See sight triangle §18-412)
  - B. Interior Side Yard: Six (6) feet max.
  - C. Corner Side Yard: Four (4) feet max. (Note: See sight triangle §18-412)
  - D. Rear Yard: Six (6) feet max.
2. Fences on corner lots may not be greater than four (4) feet in height in the area between the extension of the neighbor's front building line and the right-of-way. See Figure 4A.3.
3. All fences or screens shall have the finished side facing the street and the adjoining properties.
4. The use of barbed wire is not permitted.
5. Temporary fences for construction sites and tree protection are exempted from these standards but shall comply with the requirements of the Uniform Statewide Building Code.



**Section 18-411 Walls**

**1. Retaining Walls**

- A. Walls of five (5) feet in height or greater must meet the requirements for building setbacks.
- B. Walls located within sight triangle may not exceed three (3) feet in height. See sight triangle §18-412.

**2. Decorative Walls**

- A. Walls of four (4) feet or greater must meet requirements for building setbacks.
- B. Walls located within sight triangle may not exceed three (3) feet in height. See sight triangle §18-412.

**Section 18-412 Sight Triangle**

On any corner lot there shall be no fences, walls, structure, planting, 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. See Figure 4A.4.

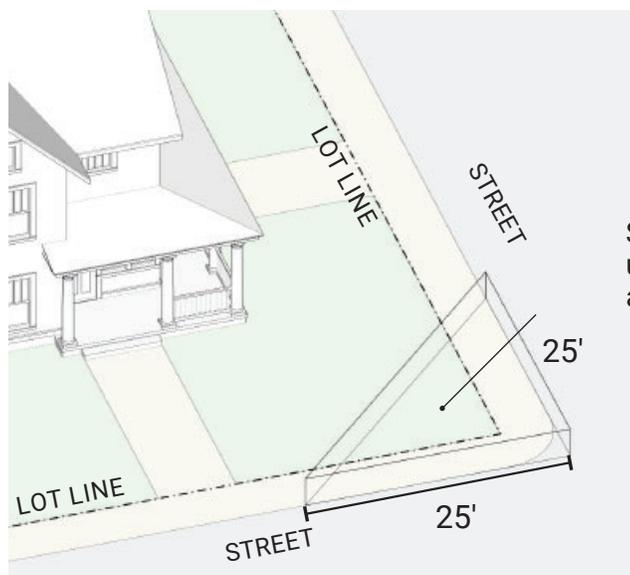


FIGURE 4A.4  
Illustration of sight triangle at the intersection of two streets in a residential zone or district.

Sight triangle to be unobstructed 3 feet above curb level

## **DIVISION 4. LIGHTING**

### **Section 18-413 Purpose and Intent**

The purpose and intent of this division is to regulate exterior lighting to:

1. Provide security for persons and land;
2. Ensure all exterior lighting is designed and installed to maintain adequate light levels on a site; and
3. Ensure that adjacent lands, neighboring areas, and motorists are protected from excessive light spillage and glare.

### **Section 18-414 Exemptions**

1. Temporary holiday lighting displayed for a period not exceeding forty-five (45) consecutive days is exempt from the requirements for full cut-off and directional control shields, provided the lighting does not violate any other provisions of this section.
2. Underwater lighting used for the illumination of swimming pools and fountains.

### **Section 18-415 Prohibited Outdoor Lighting**

The following outdoor lighting is prohibited:

1. Lasers, searchlights, strobe lights, and blinking lights, excluding temporary holiday lighting;
2. Low-pressure sodium and mercury vapor light sources.

### **Section 18-416 General Outdoor Lighting Standards**

1. Exterior lighting must consist of full cut-off or directionally shielded lighting fixtures that are aimed and controlled so that the directed light is substantially confined to the object intended to be illuminated and not to exceed the boundary of the property.
2. No light source shall be located or maintained in any manner such that it creates a nuisance to the users of adjoining properties.
3. Directional control shields must be installed, maintained, and used to limit stray light and protect motorists and pedestrians from glare.
4. Use of motion sensors is encouraged.
5. Spotlighting used to illuminate landscaping, flags, statues, signs, or any other objects must be aimed and shielded to confine light to the object and not violate any of these other requirements of this section.
6. Maximum luminance levels shall not exceed 0.5 foot-candles at the property boundary.

## DIVISION 5. PARKING

### Section 18-417 Minimum Off-Street Parking Required

1. Parking spaces may be located on a driveway, in a garage, or in a carport.
2. Minimum off-street parking required:
  - A. Two (2) spaces for up to three (3) bedrooms.
  - B. Three (3) spaces for four (4) bedrooms.
  - C. Four (4) spaces for four (4) bedrooms or more.
3. A single-unit residential parking space shall provide for an area with a minimum width of eight (8) feet and depth of sixteen (16) feet, as it relates to determining the number of off-street parking spaces provided on a driveway or in a garage.

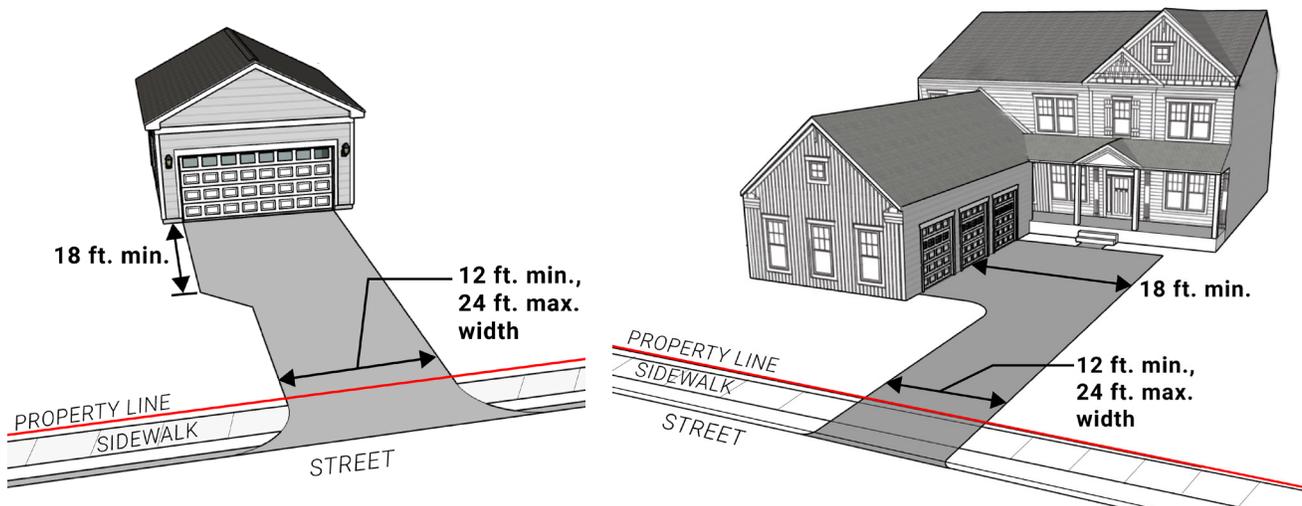
### Section 18-418 Non-availability of Parking Area

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 off-street parking space is provided.

### Section 18-419 Driveways

1. All driveways and parking areas shall be constructed of permanent materials, with an asphalt, concrete, or grid paver surface. Gravel or grass shall not be permitted surface treatments for driveways or parking areas. Other permeable surfaces that are permanent may be proposed, but must be approved by both the Zoning Administrator and the Director of Public Works.
2. Ingress and egress to a public street shall maintain a width of not less than twelve (12) feet nor more than twenty-four (24) feet at the street right-of-way line.
3. A width of at least twelve (12) feet shall be maintained for the length of the driveway.

FIGURE 4A.5  
Driveway standards



4. Driveways longer than forty (40) feet from the right of way may reduce the driveway width to ten (10) feet starting at a distance of twenty (20) feet from the right-of-way with administrative approval from the Zoning Administrator.
5. The width of the driveway shall meet the width of the garage opening for a minimum of eighteen (18) feet from the garage.
6. Driveway design, including access to a garage, must accommodate turning radii that do not force drivers to drive on grass.
7. Turn around spaces or additional parking spaces shall be located a minimum of six (6) feet from the right of way, except that an apron may be provided at the intersection with a driveway. The apron must maintain a minimum setback of a five (5) foot radius from a point that is one (1) foot away from the right of way.
8. Lots with two driveway entrances must have a minimum of fifteen (15) feet between entrances from interior edge to interior edge at the right of way line.

### **Section 18-420 Overnight Parking of Commercial Vehicles**

1. For the purposes of this section, the term “commercial vehicle” shall include the following:
  - A. Any solid waste collection vehicle, tractor truck, tractor truck/semitrailer, tractor truck/trailer combination, dump truck, concrete mixer truck, towing and recovery vehicle with a registered gross weight of 12,000 pounds or more, and any heavy construction equipment;
  - B. Any trailer, semitrailer, or other vehicle in which food or beverage are stored or sold;
  - C. Any trailer or semitrailer used for transporting landscaping or lawn-care equipment, and whether or not such trailer or semitrailer is attached to another vehicle;
  - D. Any vehicle licensed by the Commonwealth for use as a common contract carrier or as a limousine.
2. It shall be unlawful to park any commercial vehicle in any residential zone of the Town for more than one hour in any 24-hour period, except that not more than one such vehicle which does not exceed 20,000 pounds gross weight may be parked overnight and on Saturdays, Sundays, and holidays on the property owned or leased by the vehicle owner or custodian; provided that while so parked, such vehicle shall not be moved or operated at any time to further any profit-making business or professional enterprise, and further provided that while so parked between the hours of 7:00 p.m. and 5:00 a.m., such vehicle shall not be operated nor its engine run for any purpose whatsoever, nor may such vehicle be driven from the parked location between the hours of 7:00 p.m. and 5:00 a.m.
3. Notwithstanding the provisions of this section, any such vehicle may be parked on a residential street for more than one hour while actually being loaded or unloaded, while the custodian of any such vehicle is actively performing services in the area, or for the occupants of a residence abutting the street on which the vehicle is parked and the residence is not that of the custodian of such vehicle.

## Article 4A. Development Standards – Single-Unit Detached Residential Uses

4. The provisions of this section shall not apply to any waste collection vehicle(s) or the parking or storage of the same on street or off street in any residential zone being hereby strictly prohibited at any and all times of day or night.
5. The restrictions, prohibitions, and limitations imposed by this section shall not apply to any vehicle, or vehicles owned or used by the Town in furtherance of its municipal purposes when such vehicles are parked on Town-owned property.
6. It shall be unlawful to park, permit to be parked, or left standing in areas zoned for residential use, any commercial vehicle as defined herein except when such commercial vehicle is being used to pick up or discharge passengers or when temporarily parked pursuant to the performance of work or service at a particular location.
7. Notwithstanding anything to the contrary in this section, one resident of each single-family dwelling unit zoned residential may be permitted to park one vehicle licensed as a taxicab or limousine on such street or highway, provided other vehicles are permitted to park thereon.

## DIVISION 6. SIGNS

### Section 18-421 Purpose and Intent

1. The intent of this division is to control all signs within the Town, to ensure that they are appropriate for their respective principal uses and in keeping with the appearance of the affected property and surrounding environment, and to protect the public health, safety, morals and general welfare. In addition, the intent of this article is to:
  - A. Encourage good design in the context of the overall image and visual environment of the Town;
  - B. Protect property values; enhance the appearance of the business and industrial community;
  - C. Stimulate the economic vitality of the Town, encourage a business atmosphere that continues to attract new enterprises to the Town, encourage trade within the Town, and to appropriately inform consumers;
  - D. Ensure that signs are adequate, but not excessive;
  - E. Prohibit the erection of signs in such numbers, sizes, designs and locations as may create danger to the public by obscuring road signs or by unsafely diverting the attention of motorists;
  - F. Prohibit signs which are likely to create unsafe conditions because of unsound structures or unsuitable locations;
  - G. Avoid excessive competition for placement of signs, so that permitted signs provide identification, direction, information and advertising while minimizing clutter and unsightliness.
2. The general premise for the control of signs includes legibility, the effective display of information, the safety of passing traffic, and the coordination of signs with buildings, landscaping and other elements of the visual environment. In particular, signs should be designed and constructed as follows:

- A. For maximum legibility, considering viewing, location and traffic conditions.
- B. For size and dimensions, signs should be related to the frontage and setback of the building.
- C. The setback and size of signs should give a fair exposure to all commercial buildings in a given area.
- D. Signs should be integrated with the architecture of the buildings to which they relate, and with the nearby landscaping.

### Section 18-422 Applicability

- 1. This article shall be interpreted in a manner consistent with the First Amendment guarantee of free speech. This article shall allow a noncommercial message to be automatically displayed, whenever a commercial message is allowed to be displayed. If any provision of this article is found by a court of competent jurisdiction to be invalid, such finding shall not affect the validity of other provisions of this article, which can be given effect without the invalid provision.
- 2. A sign placed on land or on a building for the purpose of identification, protection, or directing persons to a use conducted therein shall be deemed to be an integral but accessory and subordinate part of the principal use of land or building. Therefore, the intent of this article is to establish limitations on signs in order to ensure they are appropriate to the land, building, or use to which they are appurtenant and are adequate for their intended purpose while balancing the individual and community interests.
- 3. These regulations are intended to promote signs that are compatible with the use of the property to which they are appurtenant, landscape and architecture of surrounding buildings, are legible, are not distracting to motorists, and are constructed and maintained in a structurally sound and attractive condition.
- 4. **Exclusions.** The following are not considered signs per this ordinance. Features not considered signs are excluded from the calculation of sign area.
  - A. Federal, state, and local flags.
  - B. Street address signs.
  - C. All displays less than one and one-half (1.5) square feet in area.

### Section 18-423 Prohibited Signs

The following signs are prohibited in all zones and districts:

- 1. Signs and/or sign structures that are erected on any property without the express written permission of the property owner or their authorized agent(s).
- 2. Signs that are a public nuisance for, without limitation, reasons of amplified sound, smoke, vapor, particle emission or objectionable odors.
- 3. Moving or rotating signs, flags, pennants, streamers, balloons, or similar devices that involve motion or rotation of any part or display.
- 4. Signs with electronic messages; changeable copy; changing color(s); flashing, blinking, or oscillating effects; that imitate movement through lighting effects; or that use video display of any kind. Exception: As expressly permitted herein or for fuel station pricing signs in which prices are displayed continuously, with occasional changes.

Article 4A. Development Standards – Single-Unit Detached Residential Uses

5. Any exposed-tubing lighting arrangement.
6. Portable signs. Signs located on trailers, wheels, or affixed to a vehicle intended for advertising. Exception: Business-related vehicles parked on-site with valid tags and registration.
7. Signs that contain words, pictures, or statements that are obscene.
8. Signs placed in the right-of-way without the expressed consent of the Town. See Town Code §10-28.1.
9. Signs of any type shall not be erected upon the roof of any building, except on the sides of a mansard-type roof.

**Section 18-424 Sign Standards - Permanent Signs**

No permanent signs greater than 1.5 square feet in area are permitted for single-unit residential lots.

**Section 18-425 Sign Standards - Temporary Signs**

1. Temporary window and yard signs are permitted provided they meet the following standards:

Type of Sign	Maximum Size	Maximum Duration
Window signs	Twenty-five (25) percent of total area of single window	Unlimited
Yard Signs	Per Sign: Four (4) square feet Total Sign Area: Twenty-four (24) square feet	Sixty (60) days

2. Signs not exceeding one and one-half (1.5) square feet in area are exempt from these regulations.

# ARTICLE 4B. DEVELOPMENT STANDARDS – MULTI-UNIT ATTACHED RESIDENTIAL USES

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# 4B

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## **DIVISION 1. GENERAL PROVISIONS**

### **Section 18-451 Purpose**

The standards in this Article 4B apply generally to all new construction, additions, and alterations in the RMU zone. Standards for principal structures relative to maximum permitted heights and required setbacks may be found in [Article 2](#).

### **Section 18-452 Frontage Improvements**

1. The developer of any lot shall dedicate land along the lot frontage for sidewalk, curb, and gutter improvements as shown on the adopted Town Pedestrian Plan. Dedication of such improvements shall be in accordance with the standards set forth in this Chapter.
2. The developer of any lot that fronts an existing street shall dedicate land, construct a sidewalk, and connect said sidewalk to the existing adjacent sidewalks, if any. Such new sidewalk shall be constructed in accordance with the standards set forth in the Public Facilities Manual.
3. Upon application by the developer to the Town, the Town Council designates the Director of Public Works to waive, in exceptional circumstances, in consultation with the Town Attorney and Town Manager, in his or her discretion, the construction of such new sidewalk and permit the deposit of designated funds for such construction.

### **Section 18-453 Architectural Review**

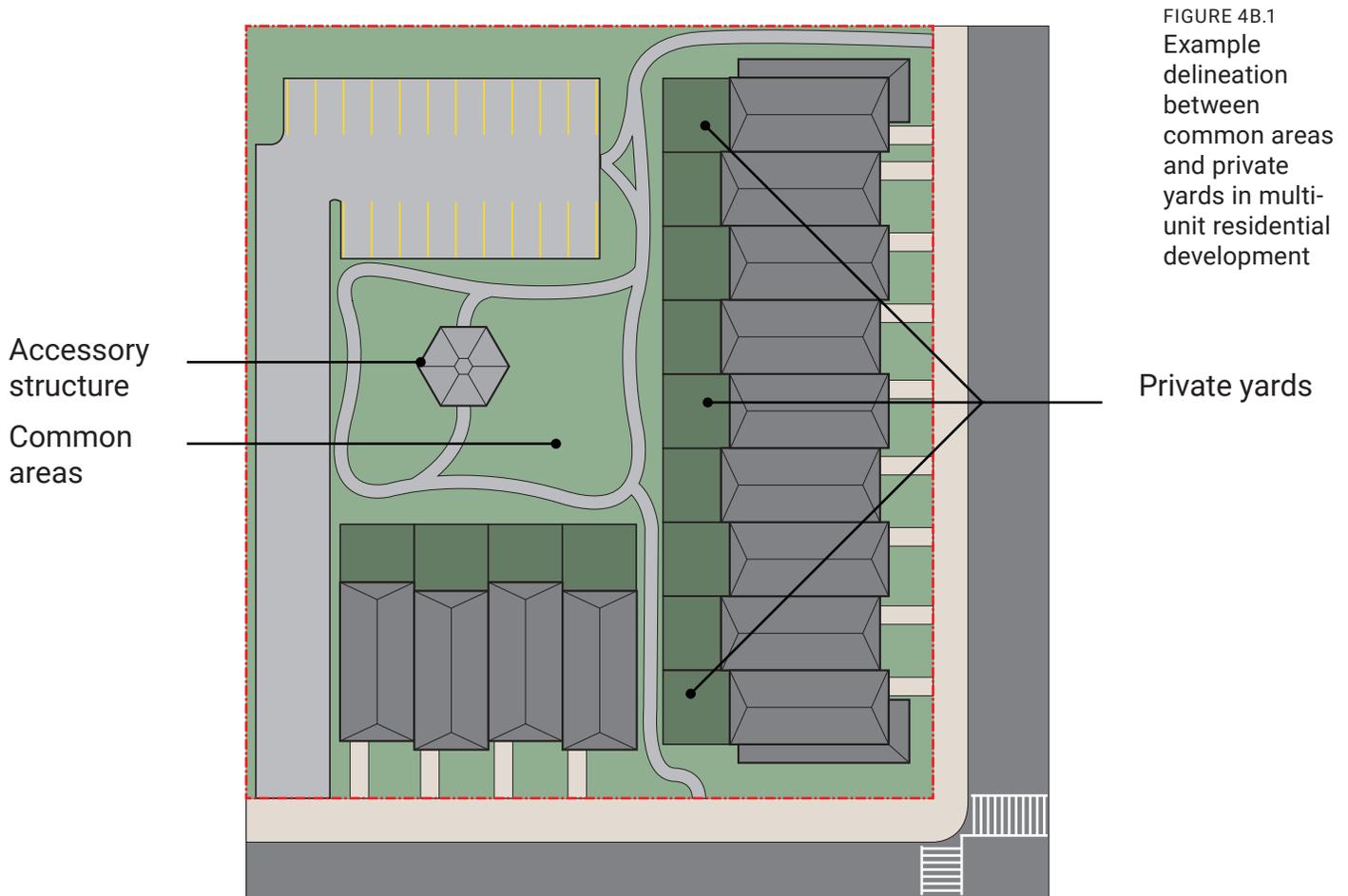
RMU-zoned parcels are designated as Architectural Control Districts, and are subject to the review criteria of [Chapter 4 - Architectural Design Control](#).

1. All Facades, roofs, external materials, accessory structures, landscaping, hardscaping, and lighting shall be submitted for architectural design review.
2. Private decks, fences, and patios shall not be considered structures for the purpose of architectural review for RMU-zoned parcels.
3. Not more than two (2) 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.

## **DIVISION 2. ACCESSORY STRUCTURES AND AMENITIES**

### **Section 18-454 Accessory Structures Generally**

1. Accessory structures are allowed only in connection with, incidental to, and on the same lot with a principal use or structure that is permitted.
2. No accessory structure shall be located within any platted or recorded easement, except as expressly agreed to in writing by the easement owner. The applicant who is submitting for a building permit to construct an accessory structure shall be responsible for correctly identifying any easements and the ownership of those easements on the site plan.
3. No accessory structure may be used for dwelling purposes.



**Section 18-455 Accessory Structures - Private Yards**

1. Accessory structures located on private lots in the RMU zone may include the following:
  - A. Sheds and similar storage structures
  - B. Green houses
  - C. Gazebos and similar structures
  - D. Other similar structures as determined acceptable by the Zoning Administrator.
2. Accessory structures in private yards shall be no greater than seven (7) feet in height and no greater than sixty-four (64) square feet in area. See Article 2 §18-212.1.D for measurement of accessory structures.
3. Accessory structures shall be located in the rear yard only.
4. Accessory structures must meet the following setbacks in private yards:
  - A. Five (5) feet from the nearest structure
  - B. One (1) foot from the rear or side lot lines
5. Accessory structures shall be screened from all adjacent properties by a solid ornamental screening type fence, solid brick wall, or ornamental masonry wall six (6) feet in height.

**Section 18-456 Accessory Structures - Common Areas**

1. Accessory structures in common spaces on RMU zoned lots may include the following:
  - A. Sheds and similar storage structures;
  - B. Green houses;
  - C. Gazebos and similar structures;
  - D. Pool houses;
  - E. Community buildings; and
  - F. Other similar structures as determined acceptable by the Zoning Administrator.
2. Accessory structures in common areas must be identified on an approved site plan.
3. The required setbacks for accessory structures in common areas are based on the following criteria, multiple criteria may apply:

Criteria	Setback
Pool houses, community buildings, storage structures, other enclosed structures, fourteen (14) feet in height or less	Ten (10) feet from other structures Ten (10) feet from interior side yard or rear yard Thirty-five (35) feet from front yard or corner side yard
Gazebos, shade structures, outdoor recreation facilities, other open structures, fourteen (14) feet in height or less	Ten (10) feet from other structures Twenty-five (25) feet from line interior side yard or rear yard Thirty-five (35) feet from front yard or corner side yard
All Accessory structures greater than fourteen (14) feet in height	Thirty-five (35) feet from all property lines

5. See Article 2 §18-212.1.D for measurement of accessory structures.

**Section 18-457 Decks and Patios - Private Yards**

The following standards apply to private yards exclusively related to and located on the same lot as duplexes, townhouses, and cottages courts in a RMU zone:

1. Private decks and patios are permitted in private yards.
2. Decks must be located in the rear of the structure, as determined by the architectural frontage.
3. Patios may be located in any required yard.
4. Setbacks:
  - A. Uncovered decks may encroach into the required rear yard by up to ten (10) feet and any other required yard by up to four (4) feet. See [Article 2](#).
  - B. Patios must be set back at least one (1) foot from all sides of required yards.

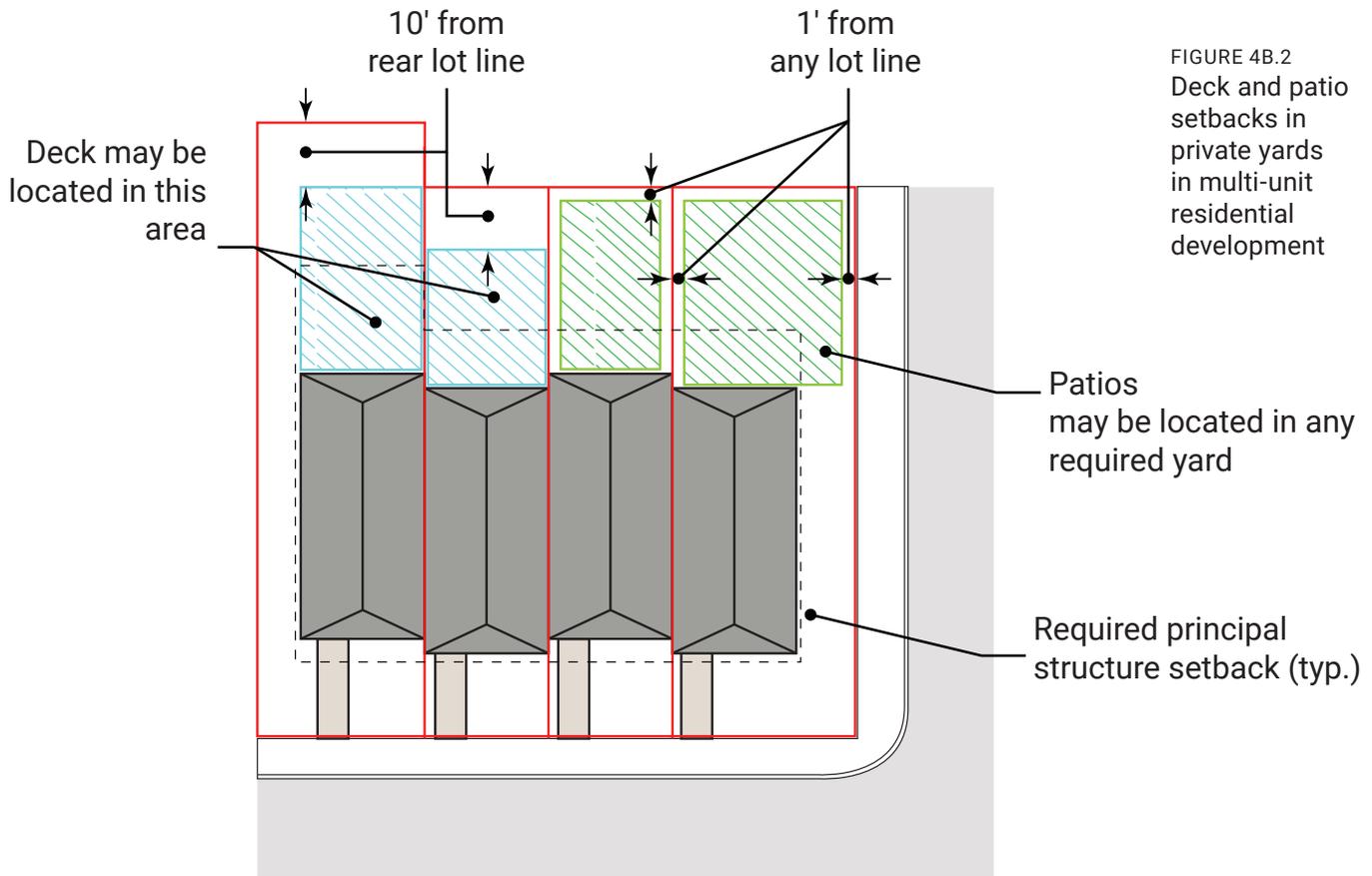


FIGURE 4B.2  
Deck and patio setbacks in private yards in multi-unit residential development

### Section 18-458 Decks and Patios - Common Areas

The following standards apply to common areas of all housing types in a RMU zone:

1. Patios are permitted in common areas and required open spaces, see §18-459 Open Space and Amenities.
2. Decks are permitted in common open spaces when associated with an accessory structure.
3. Decks and patios must be identified on the approved site plan.
4. Setbacks:
  - A. Patios shall be set back at least fifteen (15) feet from all property lines.
  - B. Decks may encroach into the required rear yard up to ten (10) feet. All other setbacks must follow the same as the principal structures. See Article 2 §18-212.

### Section 18-459 Open Space and Amenities

1. Common open space, including any required screening, shall be conveyed to a non-profit corporation, organized and operated under the laws of the Commonwealth of Virginia.
  - A. The applicant shall present, with the site plan, a copy of the articles of incorporation of such corporation, its bylaws and an adequately financed plan with effectuating agreements and covenants acceptable to the Town assuring the development and maintenance of the common open space.

B. The membership of such nonprofit corporation shall consist of all the individual lot owners of the development.

2. The following describes and depicts acceptable types of open space for development. These types of open space may be combined.

**1. Open Lawn Area**

Open lawn areas are informal areas for passive use bounded by roads or front facing lots. Tree plantings can be informal and the topography irregular. Greens may be used to preserve specimen trees.

**2. Playgrounds**

Playgrounds shall be designed with commercial grade play equipment. Playgrounds must meet all federal, state, and local regulations and be compliant with the Americans with Disabilities Act, 1990.

**3. Gazebos and Other Shade Structures**  
Freestanding structures which are covered by a roof and open air on all four sides.

**4. Common Area/Courtyard**

An open space that may be improved and landscaped and is usually surrounded by streets and buildings.

**5. Hardscaping and Landscaping**

Hard surface areas located on the ground that consist of pavers, stone, or other natural materials, along with fountains, and mixed with landscape materials, such as shrubs, trees, and grasses.

**6. Outdoor Recreational Facilities**

An area designed and equipped for the conducting of sports and leisure-time activities, such as pools and sport courts

**7. Pet Areas**

An area designed for pets to exercise and play off leash in a controlled environment under the supervision of their owners.



FIGURE 4B.3  
Example open lawn area.



FIGURE 4B.4  
Example playground.



FIGURE 4B.5  
Example gazebo.



FIGURE 4B.6  
Example courtyard.



FIGURE 4B.7  
Example hardscaping and landscaping.



FIGURE 4B.8  
Example outdoor recreation facility.



FIGURE 4B.9  
Example pet area.

**Section 18-460 Swimming Pools and Outdoor Hot Tubs**

See [Chapter 19. Swimming Pools](#) for standards and required permits.

**Section 18-461 Satellite Antennae**

**1. Location, number and size.**

- A. Only one satellite antenna, which may not exceed fourteen (14) feet in diameter, may be erected or installed on any one building lot in the Town regardless of the zone in which it is located.
- B. Any such antenna shall be located only in the rear yard of such lot no closer than fifteen (15) feet to any side or rear lot line nor less than ten (10) feet from the rear of a principal building; provided, however, that in lieu of any such antenna in a rear yard, one (1) satellite antenna four (4) feet or less in diameter may be suitably mounted to the roof area of a building.
- C. **Corner Lot.** No satellite antenna on any corner lot shall be erected forward of the building line of any adjoining lot nor closer than fifteen (15) feet to the side of such adjoining lot.
- D. **Height limitation.** No satellite antennae mounted in any such yard shall exceed eighteen (18) feet measured vertically from the highest point of the signal receiving apparatus, when positioned for operation, to the bottom of the base which supports the satellite antenna, except any antenna which pursuant to this section may be located and suitably mounted to the roof of a building.

**2. Mounting and Screening.**

- A. **Ground mounting.** All satellite antenna shall be ground-mounted pursuant to all requirements of the building code after securing the proper building permits, and shall be sufficiently secured to withstand a 100-year windstorm, with the exception of any such antenna four (4) feet or less in diameter, which is otherwise permitted by this section to be mounted to the roof area of a building.
- B. **Screening.** All ground-mounted satellite antenna over four (4) feet in diameter shall be screened from adjoining properties by a wooden or masonry fence of six (6) feet in height or by a living screen of evergreen plantings not less than five (5) feet in height at the time of planting, planted no more than five (5) feet on center and of a variety which will mature to a height of at least six (6) feet. All such fences or plantings shall be fully and properly maintained during such time as the antenna being screened shall remain in such location.

### DIVISION 3. LANDSCAPE, SCREENING, FENCES, AND WALLS

#### Section 18-462 Minimum Tree Canopy Coverage

See Chapter 17.

#### Section 18-463 Parking Lot Landscaping

1. All parking lots shall include a landscaping strip along the entire perimeter of the parking lot of at least five (5) feet in width. The landscaping strip may include breaks for bicycle, pedestrian, and vehicle access, and shall include the following:
  - i. One (1) canopy or understory tree per thirty-five (35) feet of linear footage; and
  - ii. Three (3) large shrubs, which are of a type that are able to reach at least three (3) feet in height within three (3) years of planting, per twenty-five (25) feet of linear footage.
2. One (1) interior landscaping island shall be provided for every ten (10) parking spaces. If a lot has multiple interior landscaping islands, the interior landscaping islands must be evenly distributed throughout the parking lot.
3. Each interior landscaping island must consist of a minimum of two hundred (200) square feet, a minimum width of eight (8) feet, at least one (1) tree per 150 square feet of parking island area.
4. No parking space shall be more than seventy (70) feet away from the trunk of a shade or canopy tree.
5. Parking rows must have terminal islands located at both ends of each row.
6. Interior islands may be installed below the level of the parking lot surface to allow for the capture of stormwater runoff.



FIGURE 4B.10  
Parking lot  
landscaping  
standards  
diagram.

**Section 18-464 Landscape Buffer Between Zones**

1. **Required Planting Buffer.** The following table sets forth the required screening buffer width between properties:

PROPOSED USE	ABUTTING USE				
	Single Unit Detached (RS-10, RS-12.5, RS-16)	Duplexes, Townhouses, Cottage Courts, or Multi-Unit Attached(RMU)	Commerial or Mixed Use	Industrial	Public, Institutional, or Community Use
Duplexes, Cottage Courts, Townhouses, or Multi-Unit Attached (RMU)	Five (5) ft. min.	Zero (0) ft. min.	Ten (10) ft. min.	Ten (10) ft. min.	Five (5) ft. min.

A. When a screening buffer is required, a combination of understory trees, canopy trees, and shrubs shall be included on the proposed development’s site along the property line as follows:

Specifications	5 ft. Buffer	10 ft. Buffer
Canopy Trees (per 100 ft along shared lot lines)	Not required	Three (3) min.
Understory Trees (per 100 ft along shared lot lines)	Four (4) min.	Three (3) min.
Shrubs	Three (3) min.	Four (4) min.

B. All plantings and trees must be permanently maintained in good growing condition and replaced with new plant materials, when necessary, to ensure continued compliance with applicable landscaping and/or buffer yard requirements.

2. **Wall Required Adjacent to Single-Unit Residential.**

- A. All land zoned RMU on which any multi-unit attached residential use is conducted shall be screened from all adjacent single-unit detached residential zones.
- B. Required screening shall be a six (6) foot tall masonry wall constructed of brick or other ornamental masonry of equal acceptable aesthetic quality along the boundary adjacent to the less intensive use.
- C. The minimum six (6) foot height shall be measured from the grade level on the single-unit residential side of the wall.
- D. If an alley or public utility easement in between land that would require a wall and residential property, the wall shall still be required.

3. **Modification of Wall Requirement.** The Town Council may waive or modify the requirement for any masonry wall or walls required by this section if, in the judgment of the Council, such wall or walls would not protect the residential property against loss of privacy, trespass by persons or vehicles, or intrusion of noise or trash, or other impacts attributable to activities conducted on the subject multi-unit attached residential lot. See §18-830 for application information.

4. **Required Maintenance of Buffer and Screening.** Required screening shall be maintained as shown on the approved site plan. Removal or replacement of screening, fences, and walls with a different material or design shall require an amendment of the site plan. See §18-836 for application procedures.

### Section 18-465 Fences

1. Fence height standards shall be as follows:
  - A. Front Yard: Four (4) ft. max. (Note: See sight triangle §18-467)
  - B. Interior Side Yard: Six (6) ft. max.
  - C. Corner Side Yard: Four (4) ft. max. (Note: See sight triangle §18-467)
  - D. Rear Yard: Six (6) ft. max.
2. Fences on corner lots may not be greater than four (4) feet in height in the area between the extension of the neighbors' front building lines and the right-of-way.
3. Individual duplexes and townhomes may have fences to separate, and/or screen, designated private yards from common areas and open spaces.
4. Fences surrounding outdoor recreation uses and sport courts may be a maximum of twelve (12) feet in height.
5. All fences or screens shall have the finished side facing the street and the adjoining properties.
6. The use of barbed wire is not permitted.
7. Temporary fences for construction sites and tree protection are exempted from these standards but shall comply with the requirements of the Uniform Statewide Building Code.

### Section 18-466 Walls

1. Decorative walls used to enclose private yards or common areas, and retaining walls must be shown on approved site plans and coordinated at the site development level. All retaining walls shall be shown on approved grading plans. See Article 8 §18-836 for site plan application and procedure information.
2. Wall height and setback standards shall be as follows:
  - A. Walls located within sight triangle may not exceed three (3) feet in height. See sight triangle §18-467.
  - B. Retaining walls of five (5) feet in height or greater must meet requirements for building setbacks.
  - C. Retaining walls greater than five (5) feet in height are not permitted within front or corner side yards.
  - D. Decorative walls shall follow the same height limits for fences.
  - E. Decorative walls of four (4) feet or greater must meet requirements for building setbacks.

### Section 18-467 Sight Triangle

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

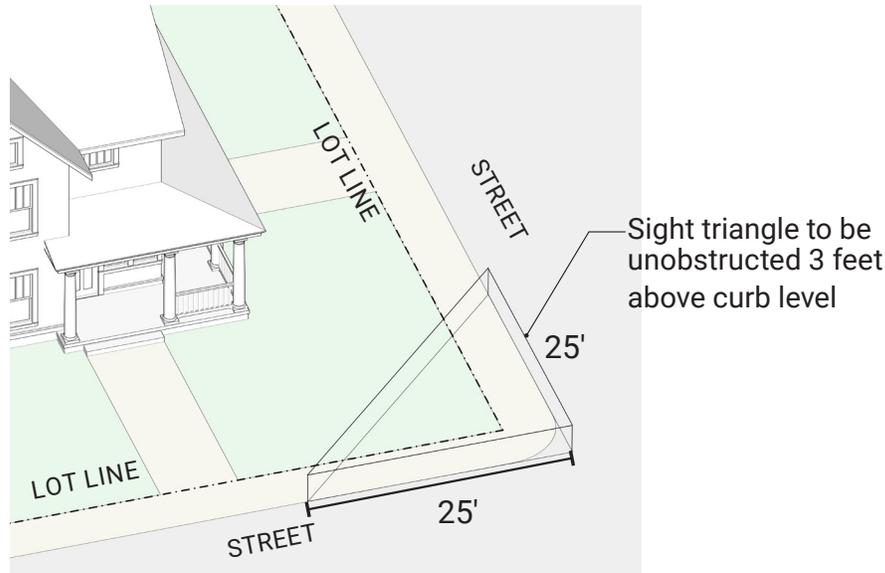


FIGURE 4B.11  
Illustration of sight triangle at the intersection of two streets in a residential zone or district.

## DIVISION 4. LIGHTING

### Section 18-468 Purpose and Intent

The purpose and intent of this division is to regulate exterior lighting to:

1. Provide security for persons and land;
2. Ensure all exterior lighting is designed and installed to maintain adequate light levels on site; and
3. Ensure that adjacent lands, neighboring areas, and motorists are protected from excessive light spillage and glare.

### Section 18-469 Applicability

1. **General.** Unless exempted in accordance with subsection 2 below, the standards in this division apply to:
  - A. All new development;
  - B. All new lighting fixtures and replacement fixtures; and
  - C. Any extension, enlargement, or reconstruction of a building, structure, or parking lot, but only regarding the extended, enlarged, or reconstructed portions of the building, structure, or parking lot.
2. **Exemptions.** The following exterior lighting is exempt from the regulations of this ordinance:
  - A. Lighting required and regulated by the Federal Aviation Administration, or any other authorized federal, state, or local government agency;
  - B. Emergency lighting used by police, fire, or medical personnel, or at their direction;
  - C. Lighting required by applicable building codes such as lighting for exit signs, stairs, and ramps, to the extent that such lighting is unable to comply with these standards;
  - D. Underwater lighting used for the illumination of swimming pools and fountains; and

E. Temporary holiday lighting displayed for a period not exceeding forty-five (45) consecutive days.

**3. Existing Non-conforming Lighting.** Outdoor lighting fixtures lawfully existing before the effective date of this Chapter (See §18-108), that do not conform to the provisions of this section are deemed to be a lawful nonconforming use and may remain. Whenever a nonconforming lighting fixture is replaced, the new fixture must conform to the provisions of this section.

**4. Lighting Plan Required.**

A. To ensure compliance with the standards of this section, a lighting plan demonstrating how exterior lighting will comply with the standards of this section shall be included as part of every development approval application that includes changes to or additions of lighting fixtures.

B. The Zoning Administrator may require evidence that the applicant is able to conform to the standards of this section. The Zoning Administrator may require the applicant to submit, at the expense of the applicant, reports or the certified results of tests with respect to any current or proposed operation of the use that is involved in relation to conformity to such standards, which reports or tests must be made by a competent laboratory or other agency.

**Section 18-470 Prohibited Outdoor Lighting**

The following outdoor lighting is prohibited:

1. Lasers, searchlights, strobe lights, and blinking lights, excluding temporary holiday lighting;
2. Low-pressure sodium and mercury vapor light sources.

**Section 18-471 General Outdoor Lighting Standards**

1. Exterior lighting must consist of full cut-off or directionally shielded lighting fixtures that are aimed and controlled so that the directed light is substantially confined to the object intended to be illuminated and not to exceed the boundary of the property.
2. Only incandescent, LED, fluorescent, metal halide, or color-corrected high-pressure sodium lighting sources may be used. The same light source type shall be used for the same or similar types of lighting on any one site throughout any development.
3. Lighting on any property abutting a property that is zoned and developed for single-unit detached residential, vacant, or homeowner’s association open space, including light poles located on top of any parking structure, must be equipped with supplemental opaque shielding on the residential property side of the lighting fixture to reduce glare caused by direct light source exposure.
4. Use of motion sensors is encouraged.

**Section 18-472 Maximum Illumination Levels**

Maximum luminance levels shall not exceed one-half 0.5 foot-candles at the property boundary.

### **Section 18-473 Parking Lot Lighting**

Parking lot lighting shall comply with the following:

1. Parking lot lights shall be a maximum height of 10 feet.
2. Parking lot lights may be located in any yard.
3. Fixtures shall be mounted in such a manner that the cone of light is contained on-site and does not cross any property line.

### **Section 18-474 Pedestrian Level Lighting**

Pedestrian light fixtures shall comply with the following:

1. Light fixtures for sidewalks, walkways, trails, and bicycle paths, shall provide at least 1.2 foot-candles of illumination, but not exceed 2.0 foot-candles.
2. Pedestrian bollard lamps shall be mounted no higher than four (4) feet above grade.

## **DIVISION 5. PARKING AND LOADING**

### **Section 18-475 Off-Street Parking Generally**

1. Required off-street parking for properties located in the RMU zone may be located in any of the following or a combination thereof:
  - A. On a private driveway;
  - B. In a private carport or garage; or
  - C. In a shared parking facility, including a surface lot or parking structure located on the same site as the principal structures.
2. Off-site parking agreements are not permitted for RMU-zoned properties.
3. Parking shall not overflow out of designated parking spaces into any sidewalks, landscaping, open space, streets, or required setbacks.
4. Accessible parking spaces shall be provided in off-street parking facilities as required by Americans with Disabilities Act of 1990 (ADA) Standards for Accessible Design.
5. Required parking for all principal and accessory uses must be maintained at all times, consistent with all site plans and permits.
6. Any request for Modification of Requirements applicable to parking areas and loading spaces must be approved by Council, after receiving recommendation from the Planning Commission. See Article 8 §18-830 for application and procedures.

### **Section 18-476 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 off-street parking space is provided.

**Section 18-477 Parking Setbacks**

1. All automobile parking areas must be set back at least five (5) feet from side yard property lines.
2. No private parking area or garage on a corner lot shall be constructed beyond the building line of any adjoining lot.

**Section 18-478 Parking Standards - Private Driveways**

1. A width of at least twelve (12) feet shall be maintained for the length of any private driveway.
2. The width of the driveway shall meet the width of the garage opening for a minimum of eighteen (18) feet from the garage.

**Section 18-479 Parking Standards - Shared Parking Lots**

1. Ingress and egress to a public street shall be provided by means of entrances and exits meeting these same specifications and maintaining a width of not less than twenty-five (25) feet nor more than thirty-five (35) feet at street right-of-way line.
2. All spaces in parking lots shall be provided with bumper guards, as deemed necessary by the Director of Public Works, in order to:
  - A. protect buildings from vehicular bumpers,
  - B. protect public sidewalks from overhanging bumpers,
  - C. prevent vehicles from rolling down embankments or onto adjacent property, and
  - D. provide protection against other hazards peculiar to the topography or site development of a particular parcel of ground.

**Section 18-480 Required Surface Treatment/Paving**

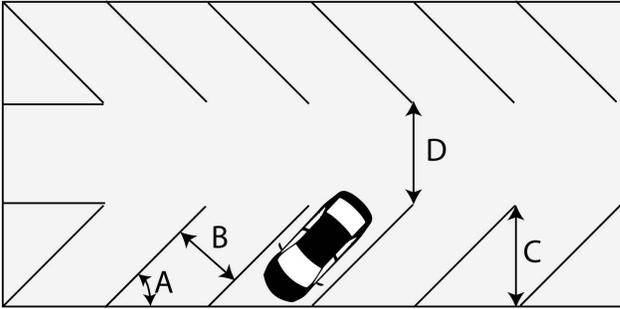
1. All driveway and parking areas shall be constructed of permanent materials, consisting of an asphalt, concrete, or grid paver surface which meets the specifications of the Town.
2. Other permeable surfaces that are permanent may be proposed, but are subject to the approval of the Zoning Administrator and the Director of Public Works.
3. Gravel or grass shall not be permitted surface treatments used for parking.

**Section 18-481 Space Allocation for Parking and Measurement**

1. All garages or other permissible spaces allocated for the parking of vehicles within buildings or in basements or on the roofs of buildings, shall be considered part of the required off-street parking requirements.
2. When calculating the number of parking spaces required, any fraction greater than or equal to one-half (0.5) will be rounded up to the nearest whole number, and any fraction less than one-half (0.5) will be rounded down to the nearest whole number.
3. For purposes of computation under this Chapter, one compact automobile parking space shall be eight (8) feet wide by sixteen (16) feet long, as it relates to determining the number of off-street parking spaces provided on a driveway or in a garage. Other dimensions are provided in the table in [§18-481.4](#).

4. All off-street parking spaces and adjacent aisles provided in compliance with the requirements of this article shall conform to at least the following minimum dimensions:

Minimum Standard Parking Spaces and Aisle Width Dimensions			
A. Parking Angle (degrees)	B. Stall Width (in feet)	C. Stall Length (in feet)	D. Aisle Width, One-way/Two-way (in feet)
0 (parallel)	8	22	16/22
45	9	19	16/20
60	9	20	18/20
90	9	18	23/23



A - Parking Angle    B - Stall Width  
C - Stall Length    D - Aisle Width

**Section 18-482 Minimum Required Off-Street Parking**

A minimum number of parking spaces must be provided for each use in accordance with the following:

PROPOSED STRUCTURES	Minimum Required Off-street Parking Spaces	Notes/Additional Requirements
Two-Unit Attached Dwellings/ Duplexes Cottage Courts Townhouses	Two (2) spaces per dwelling unit	Plus one (1) space per five (5) dwelling units for visitor parking
Multi-Unit Dwellings	Efficiency: One (1) space per dwelling unit  One bedroom: One and one-half (1.5) spaces per dwelling unit  Two or more bedrooms: Two (2) spaces per dwelling unit	Plus one (1) space per five (5) dwelling units for visitor parking

### Section 18-483 Loading Area Requirements

Loading areas shall meet the following standards:

1. **Minimum loading spaces required.**
  - A. One (1) loading space per fifty (50) dwelling units for multi-unit residential developments.
  - B. Loading spaces are not required for duplex, townhouse, or cottage court developments with fewer than fifty (50) units.
2. **Required dimensions of loading space.**
  - A. Minimum twenty-five (25) feet in depth;
  - B. Minimum fifteen (15) feet in width; and
  - C. Minimum fifteen (15) feet in height, if located within a building.
3. **Location.**
  - A. All required off-street loading spaces must be located on the same lot as the use served.
  - B. Loading spaces may not be located in a required front setback.
4. When an existing structure or use is expanded, accessory off-street loading spaces must be provided in accordance with the minimum requirements for the entire structure or use, as expanded or enlarged.
5. Required off-street loading areas may not be used to satisfy the space requirement for any off-street parking facilities.
6. Loading areas must not interfere with the free circulation of vehicles in any off-street parking area.

### Section 18-484 Bicycle Parking Requirements

1. **Minimum bicycle parking spaces required.**
  - A. Short-term: One (1) space per ten (10) dwelling units
  - B. Long-term: One (1) space for every two (2) dwelling units
2. **Location.** Both short-term and long-term bicycle parking shall be located in visible, well-illuminated areas that do not impede or conflict with automobile, pedestrian, or bicycle traffic.
3. **Short-term bicycle parking** shall comply with the following:
  - A. Short-term racks shall include inverted “U” bicycle racks and circular bicycle racks or acceptable variations as determined by the Zoning Administrator with recommendation from the Director of Public Works.
  - B. Bicycle racks that are located parallel to each other shall be at least three (3) feet apart and shall allow bicycles to be locked on both sides without conflict.
  - C. Bicycle racks that are located in a linear configuration shall be at least five (5) feet apart.
  - D. Bicycle racks shall be securely anchored and shall be easily usable with u-locks and cables.
  - E. Bicycle racks shall be spaced at least two (2) feet from walls, curbs, pavement edges, or other structures.

4. **Long-term bicycle parking** shall comply with the following:
  - A. Long-term bicycle racks, which are intended for overnight parking and longer, shall be covered and weather resistant.
  - B. Long-term bicycle racks may include, but are not limited to, covered bicycle racks that meet the standards of short-term bicycle racks; or bicycle lockers or bicycle racks that meet the standards of short-term bicycle racks and are located within a parking structure or other enclosed structure.
  - C. Bicycle lockers shall be anchored in place and have an opening clearance of at least five (5) feet.
  - D. Long-term bicycle racks must be located no more than one hundred (100) feet from the building entrance that the bicycle rack is intended to serve.

### **Section 18-485 Overnight Parking of Commercial Vehicles**

1. For the purposes of this section, the term “commercial vehicle” shall include the following:
  - A. Any solid waste collection vehicle, tractor truck, tractor truck/semitrailer, tractor truck/trailer combination, dump truck, concrete mixer truck, towing and recovery vehicle with a registered gross weight of 12,000 pounds or more, and any heavy construction equipment;
  - B. Any trailer, semitrailer, or other vehicle in which food or beverage are stored or sold;
  - C. Any trailer or semitrailer used for transporting landscaping or lawn-care equipment, and whether or not such trailer or semitrailer is attached to another vehicle;
  - D. Any vehicle licensed by the Commonwealth for use as a common contract carrier or as a limousine.
2. It shall be unlawful to park any commercial vehicle in any residential zone of the Town for more than one hour in any 24-hour period, except that not more than one such vehicle which does not exceed 20,000 pounds gross weight may be parked overnight and on Saturdays, Sundays, and holidays on the property owned or leased by the vehicle owner or custodian; provided that while so parked, such vehicle shall not be moved or operated at any time to further any profit-making business or professional enterprise, and further provided that while so parked between the hours of 7:00 p.m. and 5:00 a.m., such vehicle shall not be operated nor its engine run for any purpose whatsoever, nor may such vehicle be driven from the parked location between the hours of 7:00 p.m. and 5:00 a.m.
3. Notwithstanding the provisions of this section, any such vehicle may be parked on a residential street for more than one hour while actually being loaded or unloaded, while the custodian of any such vehicle is actively performing services in the area, or for the occupants of a residence abutting the street on which the vehicle is parked and the residence is not that of the custodian of such vehicle.
4. The provisions of this section shall not apply to any waste collection vehicle(s) or the parking or storage of the same on street or off street in any residential zone being hereby strictly prohibited at any and all times of day or night.

5. The restrictions, prohibitions, and limitations imposed by this section shall not apply to any vehicle, or vehicles owned or used by the Town in furtherance of its municipal purposes when such vehicles are parked on Town-owned property.
6. It shall be unlawful to park, permit to be parked, or left standing in areas zoned for residential use, any commercial vehicle as defined herein except when such commercial vehicle is being used to pick up or discharge passengers or when temporarily parked pursuant to the performance of work or service at a particular location.

## **DIVISION 6. REFUSE AREAS, MECHANICAL EQUIPMENT, AND UTILITIES**

### **Section 18-486 Refuse Disposal Areas**

1. Refuse collection may be handled by shared refuse collection from approved containers within an approved structure or private collection from individual units.
2. If dumpsters are used for refuse disposal, then each dumpster shall be located on a concrete pad with minimum dimensions of twenty (20) feet by twelve (12) feet and shall be enclosed by adequate walls or opaque fencing of a minimum of one foot taller than the container, and no taller than 8 feet.
3. No enclosure may be located in any required front yard, street side yard, required parking area, required landscaping area, or any other area required by law to be maintained.
4. The enclosure may consist of a solid wood fence, masonry (non-CMU) walls, or combination thereof.
5. Said areas shall protect refuse from dispersal by wind or other cause, must be kept free of litter and refuse overflow, shall be maintained closed except when loading or emptying, and shall be well drained.
6. Refuse disposal areas shall be located such that access is unobstructed and the areas are fully accessible to collection equipment, public health inspection, and fire inspection personnel without impeding traffic or encroaching upon required parking spaces.
7. Reference [Chapter 13A](#) for additional requirements for refuse storage and collection.

### **Section 18-487 Mechanical and Utility Equipment**

1. All rooftop equipment (such as air handling units, exhaust fans, and other mechanical systems and equipment) shall be placed as close to the middle of the roof as possible, to maximize the likelihood that the equipment will not be visible from the right-of-way or from adjacent properties.
2. All rooftop equipment on any building shall be fully screened from view from the right-of-way and adjacent properties by use of screening material that is consistent with the material found on the building façade.
3. Mechanical equipment located on the ground should be screened, whenever possible, with fencing, walls, mural wraps, and/or landscaping.

### **Section 18-488 Underground Utility Services**

1. All utility 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 the ordinance from which this section is derived, be placed below the surface of the ground; provided that:

- A. Equipment such as electric distribution transformers, switchgear, meter pedestals, and telephone pedestals, which are normally installed above ground in accordance with accepted utility practices for underground distribution systems, may be installed; and
  - B. Meters, service connections, and similar equipment normally attached to the outside wall of the premises it serves may continue to be installed.
2. Existing overhead utility services to any building, accessory building, or structure erected prior to the effective date of the ordinance from which this section is derived may remain overhead when repaired, replaced, or increased in capacity.
  3. All improvements herein required shall be constructed in accordance with accepted standards of utility practice for underground construction.
  4. 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.

## **DIVISION 7. SIGNS**

### **Section 18-489 Purpose and Intent**

1. The intent of this division is to control all signs within the Town, to ensure that they are appropriate for their respective principal uses and in keeping with the appearance of the affected property and surrounding environment, and to protect the public health, safety, morals and general welfare. In addition, the intent of this article is to:
  - A. Encourage good design in the context of the overall image and visual environment of the Town;
  - B. Protect property values; enhance the appearance of the business and industrial community;
  - C. Stimulate the economic vitality of the Town, encourage a business atmosphere that continues to attract new enterprises to the Town, encourage trade within the Town, and to appropriately inform consumers;
  - D. Ensure that signs are adequate, but not excessive;
  - E. Prohibit the erection of signs in such numbers, sizes, designs and locations as may create danger to the public by obscuring road signs or by unsafely diverting the attention of motorists;
  - F. Prohibit signs which are likely to create unsafe conditions because of unsound structures or unsuitable locations;
  - G. Avoid excessive competition for placement of signs, so that permitted signs provide identification, direction, information and advertising while minimizing clutter and unsightliness.
2. The general premise for the control of signs includes legibility, the effective display of information, the safety of passing traffic, and the coordination of signs with buildings, landscaping and other elements of the visual environment. In particular, signs should be designed and constructed as follows:
  - A. For maximum legibility, considering viewing, location and traffic conditions.

## Article 4B. Development Standards – Multi-Unit Attached Residential Uses

- B. For size and dimensions, signs should be related to the frontage and setback of the building.
- C. The setback and size of signs should give a fair exposure to all commercial buildings in a given area.
- D. Signs should be integrated with the architecture of the buildings to which they relate, and with the nearby landscaping.

### Section 18-490 Applicability

1. This article shall be interpreted in a manner consistent with the First Amendment guarantee of free speech. This article shall allow a noncommercial message to be automatically displayed, whenever a commercial message is allowed to be displayed. If any provision of this article is found by a court of competent jurisdiction to be invalid, such finding shall not affect the validity of other provisions of this article, which can be given effect without the invalid provision.
2. A sign placed on land or on a building for the purpose of identification, protection, or directing persons to a use conducted therein shall be deemed to be an integral but accessory and subordinate part of the principal use of land or building. Therefore, the intent of this article is to establish limitations on signs in order to ensure they are appropriate to the land, building, or use to which they are appurtenant and are adequate for their intended purpose while balancing the individual and community interests.
3. These regulations are intended to promote signs that are compatible with the use of the property to which they are appurtenant, landscape and architecture of surrounding buildings, are legible, are not distracting to motorists, and are constructed and maintained in a structurally sound and attractive condition.
4. This Article does not apply to any sign placed in a public right-of-way and does not authorize or prohibit placement of any sign there.
5. **Exclusions.** The following are not considered signs per this ordinance. Features not considered signs are excluded from the calculation of sign area.
  - A. Federal, state, and local flags.
  - B. Street address signs.
  - C. All displays less than one and one-half (1.5) square feet in area.

### Section 18-491 Sign Area

#### 1. How to Measure Sign Area and Dimensions

See §18-903 for information.

#### 2. How to Apply Permitted Sign Area

- A. Sign area for permanent building-mounted and ground-mounted signage is determined by the length of the building frontage.
- B. All sign types count towards either the ground-mounted sign area or the building-mounted sign area.

### **Section 18-492 Sign Illumination**

1. All lighting for signs, both ground and building mounted, shall be provided by an external source that is shielded and directed so that only the face of the sign is illuminated.
2. No building mounted signs may be illuminated if they are located within fifty (50) feet of a property line adjoining a property zoned RS-10, RS-12.5 or RS-16 or a public alley that separates the proposed building from those zones.

### **Section 18-493 Sign Setbacks**

1. All ground-mounted sign structures must be set back from the right-of-way a distance that is at least equal to the sign height.
2. Signs must meet the height restrictions of [§18-467](#).

### **Section 18-494 Certificate of Approval Required**

1. All permanent sign types are required to be reviewed by the Board of Architectural Review and shall not be permitted or constructed until the Board of Architectural Review issues a Certificate of Approval. See [§18-821](#) for the review procedure.
2. Signs exempted from review by the Board of Architectural Review:
  - A. Signs that meet the requirements of a Master Sign Plan that has previously been approved by the Board of Architectural Review, and
  - B. Temporary signs, as described in [§18-498](#).

### **Section 18-495 Prohibited Signs**

The following signs are prohibited in all zones and districts:

1. Signs and/or sign structures that are erected on any property without the express written permission of the property owner or their authorized agent(s).
2. Signs that are a public nuisance for, without limitation, reasons of amplified sound, smoke, vapor, particle emission or objectionable odors.
3. Moving or rotating signs, flags, pennants, streamers, balloons, or similar devices that involve motion or rotation of any part or display.
4. Signs with electronic messages; changeable copy; changing color(s); flashing, blinking, or oscillating effects; that imitate movement through lighting effects; or that use video display of any kind. Exception: As expressly permitted herein or for fuel station pricing signs in which prices are displayed continuously, with occasional changes.
5. Any exposed-tubing lighting arrangement.
6. Portable signs. Signs located on trailers, wheels, or affixed to a vehicle intended for advertising. Exception: Business-related vehicles parked on-site with valid tags and registration.
7. Signs that contain words, pictures, or statements that are obscene.
8. Signs placed in the right-of-way without the expressed consent of the Town. See Town Code [§10-28.1](#).
9. Signs of any type shall not be erected upon the roof of any building, except on the sides of a mansard-type roof.

**Section 18-496 Removal of Unsafe, Unlawful, or Abandoned Signs**

1. Signs must be covered or removed once a property is abandoned or once the use for which a sign has been created and installed is no longer occupying the relevant site. See Article 8 §18-855.6.
2. All signs and sign structures shall be maintained in good repair and in a safe and secure condition. A sign or sign structure found by the zoning administrator or their designee to be unsafe or insecure may be deemed a public nuisance, subject to the removal provisions of this Chapter.
3. All signs and sign structures shall be kept in a neat, clean and presentable condition, such that each sign information item is clearly legible. A sign found by the zoning administrator or their designee to show clear evidence of deterioration, including rust, faded colors, discoloration, holes and missing parts or information items, may be deemed a public nuisance, subject to the removal provisions of this Chapter.

**Section 18-497 Sign Standards - Permanent Signs**

1. The total maximum aggregate sign area permitted in RMU zones is as follows:
  - A. Ground mounted signs: Twenty-four (24) square feet
  - B. Building mounted signs: Twenty-four (24) square feet
2. The maximum height of ground-mounted signs in RMU zones is four (4) feet.
3. **Ground-Mounted Signs**

Ground Mounted Sign Type	Sign Area	Number Permitted
Monument	More than ten (10) square feet per sign	No count limit
Secondary Monument	Between 1.5 and 9.9 square feet per sign	No count limit
Freestanding Hanging		One (1) sign per entrance

**4. Building-Mounted Signs**

Building Mounted Sign Type	Sign Area	Number Permitted
Wall Sign	More than ten (10) square feet per sign	No count limit
Wall Sign, Minor	Between 1.5 and 9.9 square feet per sign	No count limit
Projecting, Minor	Between 1.5 and 14.9 square feet per sign	One (1) sign per building frontage
Awning		One (1) sign per building frontage

**Section 18-498 Sign Standards - Temporary Signs**

1. Temporary window and yard signs are permitted provided they meet the following standards:

Temporary Sign Type	Maximum Size	Maximum Duration
Window Sign	Twenty-five (25) percent of total area of single window	Unlimited
Yard Sign	Per Sign: 4 square feet Total Sign Area: 24 square feet	Sixty (60) days

2. Signs not exceeding 1.5 square feet in area are exempt from these regulations.



# ARTICLE 5A. DEVELOPMENT STANDARDS – COMMERCIAL, INDUSTRIAL, AND MIXED USES

# 5A

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## DIVISION 1. GENERAL PROVISIONS

### Section 18-501 Purpose

The standards in this Article 5A apply to all new construction, additions, and alterations with respect to any commercial, industrial, and mixed uses, as listed in [Article 3](#), in any zone or district.

### Section 18-502 Frontage Improvements

1. The developer of any lot shall dedicate land along the lot frontage for sidewalk, curb, and gutter improvements as shown on the adopted Town Pedestrian Plan. Dedication of such improvements shall be in accordance with the standards set forth in this Chapter.
2. The developer of any lot that fronts an existing street shall dedicate land, construct a sidewalk, and connect said new sidewalk to the existing adjacent sidewalks, if any. Such new sidewalk shall be constructed in accordance with the standards set forth in the Public Facilities Manual.
3. Upon application by the developer to the Town, the Town Council designates the Director of Public Works to waive, in exceptional circumstances, in consultation with the Town Attorney and Town Manager, in his or her discretion, the construction of such new sidewalk and permit the deposit of designated funds for such construction in accordance with [Article 6, Division 6](#).

### Section 18-503 Architectural Review

1. Any material change in the appearance of a building, structure, or site visible from public places (rights-of-way, plazas, squares, parks, government sites, and similar) and located in the Architectural Control Overlay District require review and approval by the Board of Architectural Review. See [§18-821](#) for Certificate of Approval process.
2. Material change in appearance shall include construction; reconstruction; exterior alteration, including changing the color of a structure or substantial portion thereof; demolition; or relocation that affects the appearance of a building, structure or site. It shall also include any alterations of a building using lights that are placed in a configuration to outline the architectural features of the building, including, but not limited to, windows, doors, parapets and fascia. Such proposed changes must be submitted as an exterior modification before construction or installation may occur.

## DIVISION 2. ACCESSORY STRUCTURES AND AMENITIES

### Section 18-504 Accessory Structures Generally

1. Accessory structures are allowed only in connection with, incidental to, and on the same lot with a principal use or structure that is permitted.
2. Accessory structures on lots used for commercial, industrial, and mixed uses may include the following:
  - A. Drive-up or walk-up structures not connected to the principal structure
  - B. Sheds and similar storage structures
  - C. Gazebos, and similar structures
  - D. Green houses
  - E. Other similar structures as determined acceptable by the Zoning Administrator.

3. No accessory structure may be used for dwelling purposes.
4. The principal use shall take place primarily in the principal building(s), and accessory structures shall only contain uses subordinate to the principal use.
5. All accessory structures must comply with the maximum height regulations applicable in the zone or district where they are located, except as may be qualified by another subsection of this Chapter. See Article 2 §18-212 for the measurement of accessory structures.
6. No accessory structure shall be located within any platted or recorded easement, except as expressly agreed to in writing by the easement owner. The applicant who is submitting for a building permit to construct an accessory structure shall be responsible for correctly identifying any easements and the ownership of those easements on the site plan.

### **Section 18-505 Accessory Structure Setbacks**

1. Accessory structures shall have a side and rear yard setback of at least three (3) feet and a front yard setback of at least fifteen (15) feet.
2. In AC, AE, AW, GS, CS, NM and T districts and zones accessory structures that are intended for public use may be located in any yard. Sheds, storage and other service-oriented structures may not be located in the front yard and must be shielded as much as is practical from the view from the public right of way.
3. In M and CP district, accessory structures are permitted in any yard.

### **Section 18-506 Height of Accessory Structures**

1. All accessory structures must comply with the maximum height regulations applicable in the zone or district where they are located, except as may be qualified by another subsection of this Chapter.
2. Accessory structures in the CM District may be of greater height than the principal structure, provided such greater height is approved by the Town Council after obtaining a report and recommendation from the Planning Commission.
3. See Article 2 §18-212 for measurement of accessory structures.

### **Section 18-507 Swimming Pools and Hot Tubs**

See [Chapter 19 Swimming Pools](#) for standards and required permits.

### **Section 18-508 Open Space and Amenities**

1. Common open space, including any required screening, shall be conveyed to a nonprofit corporation, organized and operated under the laws of the commonwealth.
  - A. The owner or developer shall present, with the site plan, a copy of the articles of incorporation of such corporation, its bylaws, and an adequately financed plan with effectuating agreements and covenants acceptable to the Town assuring the development and maintenance of the common open space.
  - B. The membership of such nonprofit corporation shall consist of all of the individual lot owners of the development.

2. The following describes and depicts acceptable types of open space for development. These types of open space may be combined.

**1. Open Lawn Area**

Open lawn areas are informal areas for passive use bounded by roads or front facing lots. Tree plantings can be informal and the topography irregular. Greens may be used to preserve specimen trees.

**2. Playgrounds**

Playgrounds shall be designed with commercial grade play equipment. Playgrounds must meet all federal, state, and local regulations and be compliant with the Americans with Disabilities Act, 1990.

**3. Gazebos and Other Shade Structures**

Freestanding structures which are covered by a roof and open air on all four sides.

**4. Common Area/Courtyard**

An open space that may be improved and landscaped and is usually surrounded by streets and buildings.

**5. Hardscaping and Landscaping**

Hard surface areas located on the ground that consist of pavers, stone, or other natural materials, along with fountains, and mixed with landscape materials, such as shrubs, trees, and grasses.

**6. Outdoor Recreational Facilities**

An area designed and equipped for the conducting of sports and leisure-time activities, such as pools and sport courts.

**7. Pet Areas**

An area designed for pets to exercise and play off leash in a controlled environment under the supervision of their owners.



Fig RE 5A.1.  
Example open lawn area.



Fig RE 5A.2.  
Example playground.



Fig RE 5A.3.  
Example gazebo.



Fig RE 5A.4.  
Example courtyard.



Fig RE 5A.5.  
Example hardscaping and landscaping.



Fig RE 5A.6.  
Example outdoor recreation facility.



Fig RE 5A.7.  
Example pet area.

**Section 18-509 Satellite Antennae**

**1. Location, number and size.**

- A. Only one satellite antenna, which may not exceed fourteen (14) feet in diameter, may be erected or installed on any one building lot in the Town regardless of the zone in which it is located.
- B. Any such antenna shall be located only in the rear yard of such lot no closer than fifteen (15) feet to any side or rear lot line nor less than ten (10) feet from the rear of a principal building; provided, however, that in lieu of any such antenna in a rear yard, one (1) satellite antenna four (4) feet or less in diameter may be suitably mounted to the roof area of a building.
- C. **Corner Lot.** No satellite antenna on any corner lot shall be erected forward of the building line of any adjoining lot nor closer than fifteen (15) feet to the side of such adjoining lot.
- D. **Height limitation.** No satellite antennae mounted in any such yard shall exceed eighteen (18) feet measured vertically from the highest point of the signal receiving apparatus, when positioned for operation, to the bottom of the base which supports the satellite antenna, except any antenna which pursuant to this section may be located and suitably mounted to the roof of a building.

**2. Mounting and Screening.**

- A. **Ground mounting.** All satellite antenna shall be ground-mounted pursuant to all requirements of the building code after securing the proper building permits, and shall be sufficiently secured to withstand a 100-year windstorm, with the exception of any such antenna four (4) feet or less in diameter, which is otherwise permitted by this section to be mounted to the roof area of a building.
- B. **Screening.** All ground-mounted satellite antenna over four (4) feet in diameter shall be screened from adjoining properties by a wooden or masonry fence of six (6) feet in height or by a living screen of evergreen plantings not less than five (5) feet in height at the time of planting, planted no more than five (5) feet on center and of a variety which will mature to a height of at least six (6) feet. All such fences or plantings shall be fully and properly maintained during such time as the antenna being screened shall remain in such location.

### DIVISION 3. LANDSCAPE, SCREENING, FENCES, AND WALLS

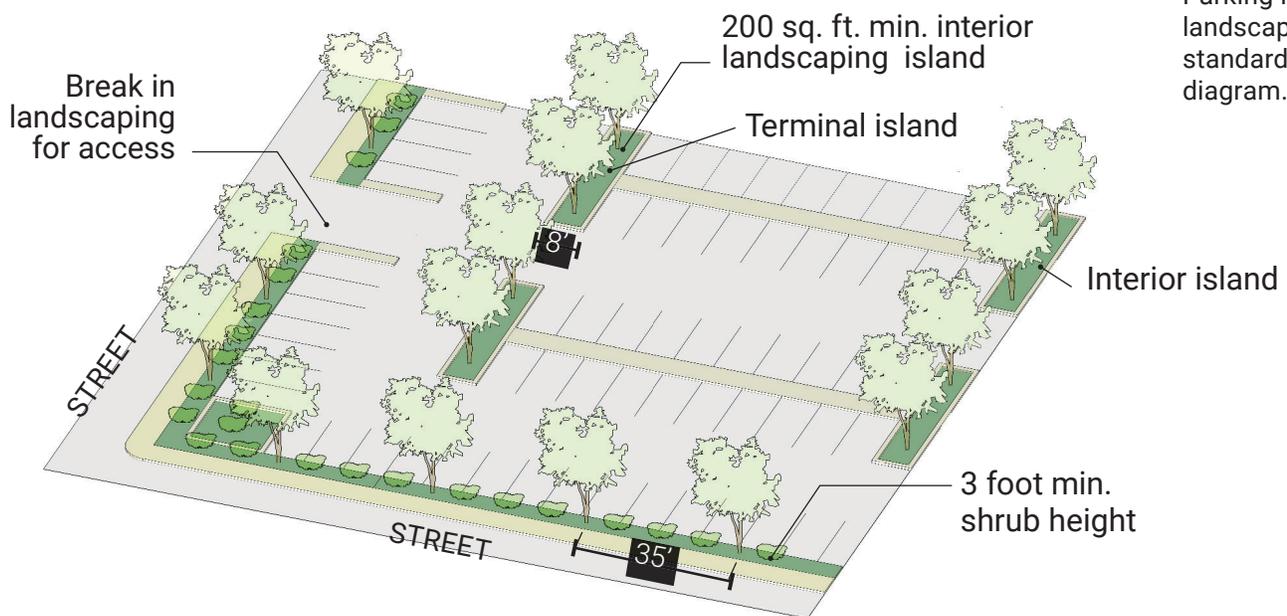
#### Section 18-510 Minimum Tree Canopy Coverage

See Chapter 17.

#### Section 18-511 Parking Lot Landscaping

1. All parking lots shall include a landscaping strip along the entire perimeter of the parking lot of at least five (5) feet in width. The landscaping strip may include breaks for bicycle, pedestrian, and vehicle access, and shall include the following:
  - A. One (1) canopy or understory tree per thirty-five (35) feet of linear footage; and
  - B. Three (3) large shrubs, which are of a type that are able to reach at least three (3) feet in height within three (3) years of planting, per twenty-five (25) feet of linear footage.
2. One (1) interior landscaping island shall be provided for every ten (10) parking spaces. If a lot has multiple interior landscaping islands, the interior landscaping islands must be evenly distributed throughout the parking lot.
3. Each interior landscaping island must consist of a minimum of two hundred (200) square feet, a minimum width of eight (8) feet, at least one (1) tree per 150 square feet of parking island area.
4. No parking space shall be more than seventy (70) feet away from the trunk of a shade or canopy tree.
5. Parking rows must have terminal islands located at both ends of each row.
6. Interior islands may be installed below the level of the parking lot surface to allow for the capture of stormwater runoff.

FIGURE 5A.8. Parking lot landscaping standards diagram.



**Section 18-512 Buffer Between Zones**

1. **Required Planting Buffer.** The following table sets forth the required screening buffer width between properties:

PROPOSED USE	ABUTTING USE				
	Single Unit Detached (RS-10, RS-12.5, RS-16)	Duplexes, Townhouses, Cottage Courts, or Multi-Unit Attached(RMU)	Commercial or Mixed Use	Industrial	Public, Institutional, or Community Use
Commercial or Mixed Use	Ten (10) ft. min.	Ten (10) ft. min.	Zero (0) ft.	Ten (10) ft. min.	Five (5) ft. min.
Industrial	Fifteen (15) ft. min.	Fifteen (15) ft. min.	Ten (10) ft. min.	Zero (0) ft.	Five (5) ft. min.

A. When a screening buffer is required, a combination of understory trees, canopy trees, and shrubs shall be included on the proposed development’s site along the property line as follows:

Specifications	5 ft. Buffer	10 ft. Buffer	15 ft. Buffer
Canopy Trees (per 100 ft along shared lot lines)	Not required	Three (3) min.	Four (4) min.
Understory Trees (per 100 ft along shared lot lines)	Four (4) min.	Three (3) min.	Three (3) min.
Shrubs	Three (3) min.	Four (4) min.	Four (4) min.

B. All plantings and trees must be permanently maintained in good growing condition and replaced with new plant materials, when necessary, to ensure continued compliance with applicable landscaping and/or buffer yard requirements.

**2. Wall Required Adjacent to Residential.**

- A. All land zoned AC, AE, AW, CS, GS, M, NM or T on which any commercial, industrial, or mixed use is conducted shall be screened from all adjacent single-unit detached and multi-unit attached residential zones.
- B. Required screening shall be a six (6) foot tall masonry wall constructed of brick or other ornamental masonry of equal acceptable aesthetic quality along the boundary adjacent to the less intensive use.
- C. The six (6) foot height of the wall shall be measured from the grade level on the residential side of the wall.
- D. If an alley or public utility easement is abutting in between land that would require a wall and residential property, the wall shall still be required.

**3. Modification of Wall Requirement.** The Town Council may waive or modify the requirement for any masonry wall or walls required by this section if in the judgment of the Council such wall or walls would not protect the residential property against loss of privacy, trespass by persons or vehicles, or intrusion of noise or trash, or other impacts attributable to activities conducted on the subject multi-unit attached residential lot. See Article 8 §18-830 for application information.

**4. Required Maintenance of Buffer and Screening.** Required screening shall be maintained as shown on the approved site plan. Removal or replacement of screening, fences, and walls with a different material or design shall require an amendment of the site plan. See Article 8 §18-836 for application procedures.

**Section 18-513 Fences and Walls**

**1. Applicability.**

- A. The provisions of this section shall apply to all construction, substantial reconstruction, or replacement of fences or walls not required for support of a principal or accessory structure, and to any other linear barrier intended to delineate different portions of a lot.

## Article 5A. Development Standards – Commercial, Industrial, and Mixed Uses

- B. Temporary fences for construction sites and tree protection are exempted from these standards but shall comply with the requirements of the Uniform Statewide Building Code.

### 2. Location and Height.

- A. Fences or walls related to a private property shall not be placed in the public right-of-way.
  - B. Fences and walls are permitted adjacent to the property line between two or more parcels of land.
  - C. Fences and walls may be located within any required yard.
  - D. Fences shall be a maximum of six (6) feet in height within the area of any required yard setback, with the following exceptions:
    - i. Fences on residentially zoned properties shall not exceed four (4) feet in height between the front of the principal building and street.
    - ii. Fences must comply with site triangle standards. See [§18-514](#).
    - iii. Fence height in the front yard may be increased to six (6) feet maximum, provided it is approved as part of a conditional use permit for the use.
    - iv. Fences used for security and protection of Town and/or government facilities, structures and/or utilities, may exceed the height restriction set forth in this Article.
  - E. Building setbacks, as described in [Article 2](#), shall apply to all retaining walls five (5) feet or greater in height and to all decorative walls four (4) feet or greater in height.
  - F. Decorative walls shall follow the same height limits set for fences.
3. All fences shall have the finished side facing the street and the properties that are adjacent or abutting.
4. **Fence Materials.** Use of barbed wire, razor wire, concertina wire and/or other security enhancement devices is prohibited except for security protection of Town and/or government facilities, structures and/or utilities if approved by resolution of the Town Council. Such resolution shall be based upon the recommendation of the Director of Public Works and Chief of Police and upon a finding by the Town Council that such measures are necessary in the interest of public safety and security for such facility, structure and/or utility.

### Section 18-514 Sight Triangle

On any corner lot in a non-residential zone or district at the intersection of two streets, no building or obstruction shall be permitted within eight feet of the intersection of the extension of the two street lines.

## DIVISION 4. LIGHTING

### Section 18-515 Purpose and Intent

The purpose and intent of this division is to regulate exterior lighting to:

1. Provide security for persons and land;
2. Ensure all exterior lighting is designed and installed to maintain adequate light levels on site; and
3. Ensure that adjacent lands, neighboring areas, and motorists are protected from excessive light spillage and glare.

### Section 18-516 Applicability

1. **General.** Unless exempted in accordance with §18-517, the standards in this division apply to:
  - A. All new development;
  - B. All new lighting fixtures and replacement fixtures; and
  - C. Any extension, enlargement, or reconstruction of a building, structure, or parking lot, but only regarding the extended, enlarged, or reconstructed portions of the building, structure, or parking lot.
2. **Existing Non-Conforming Lighting.** Outdoor lighting fixtures lawfully existing before the effective date of this Chapter (See §18-108), that do not conform to the provisions of this section are deemed to be a lawful nonconforming use and may remain. Whenever a nonconforming lighting fixture is replaced, the new fixture must conform to the provisions of this section.

### Section 18-517 Exemptions

The following exterior lighting is exempt from the regulations of this ordinance:

1. Lighting required and regulated by the Federal Aviation Administration, or any other authorized federal, state, or local government agency;
2. Emergency lighting used by police, fire, or medical personnel, or at their direction;
3. Lighting required by applicable building codes such as lighting for exit signs, stairs, and ramps, to the extent that such lighting is unable to comply with these standards;
4. Underwater lighting used for the illumination of swimming pools and fountains; and
5. Temporary holiday lighting displayed for a period not exceeding forty-five (45) consecutive days.

### Section 18-518 Prohibited Outdoor Lighting

The following outdoor lighting is prohibited:

1. Lasers, searchlights, strobe lights, and blinking lights, excluding temporary holiday lighting;
2. Low-pressure sodium and mercury vapor light sources.

### **Section 18-519 General Outdoor Lighting Standards**

1. Exterior lighting must consist of full cut-off or directionally shielded lighting fixtures that are aimed and controlled so that the directed light is substantially confined to the object intended to be illuminated and not to exceed the boundary of the property.
2. Only incandescent, LED, fluorescent, metal halide, or color-corrected high-pressure sodium lighting sources may be used. The same light source type shall be used for the same or similar types of lighting on any one site throughout any development.
3. Directional control shields must be installed, maintained, and used to limit stray light and protect motorists and pedestrians from glare.
4. Use of motion sensors is encouraged.
5. Spotlighting used to illuminate landscaping, flags, statues, signs, or any other objects must be aimed and shielded to confine light to the object and not violate any of the other requirements of this section.
6. Lighting on any property abutting a property that is residentially zoned and developed, vacant, or homeowner's association open space, including light poles located on top of any parking structure, must be equipped with supplemental opaque shielding on the residential property side of the lighting fixture to reduce glare caused by direct light source exposure.

### **Section 18-520 Maximum Illumination Levels**

Maximum luminance levels shall not exceed 0.5 foot-candles at the property boundary.

### **Section 18-521 Lighting Plan Required**

1. To ensure compliance with the standards of this section, a lighting plan demonstrating how exterior lighting will comply with the standards of this section shall be included as part of every development approval application that includes changes to or additions of lighting fixtures.
2. The Zoning Administrator may require evidence that the applicant is able to conform to the standards of this section. The Zoning Administrator may require the applicant to submit, at the expense of the applicant, reports or the certified results of tests with respect to any current or proposed operation of the use that is involved in relation to conformity to such standards, which reports or tests must be made by a competent laboratory or other agency.

### **Section 18-522 Parking Lot Lighting**

Parking lot lighting shall comply with the following:

1. Parking lot lights shall be a maximum height of fifteen (15) feet.
2. Parking lot lights may be located in any yard.
3. Fixtures shall be mounted in such a manner that the cone of light is contained on-site and does not cross any property line.

### **Section 18-523 Pedestrian Level Lighting**

Pedestrian light fixtures shall comply with the following:

1. Light fixtures for sidewalks, walkways, trails, and bicycle paths, shall provide at least 1.2 foot-candles of illumination, but not exceed 2.0 foot-candles.
2. Pedestrian bollard lamps shall be mounted no higher than four feet above grade.

## **DIVISION 5. PARKING AND LOADING**

### **Section 18-524 Off-Street Parking Generally**

1. No application for a building permit, use permit, or occupancy permit shall be approved unless at least the minimum off-street parking requirements are accommodated either on site or off site in accordance with the requirements herein.
2. Required off-street parking spaces are to be made available to and provided for the use of the occupant or occupants and, if applicable, employees, patrons or customers of such uses.
3. Accessible parking spaces shall be provided in off-street parking facilities as required by Americans with Disabilities Act (ADA), 1990 Standards for Accessible Design.
4. Required parking for all principal and accessory uses must be maintained at all times, consistent with all site plans and permits.

### **Section 18-525 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 off-street parking space is provided.

### **Section 18-526 Parking Setbacks**

1. There shall be no parking between the building setback line and the street line within the AC, AE, AW, CS, GS, M, NM, and T districts and zones.
2. All automobile parking areas must be set back at least five (5) feet from side yard property lines.
3. Drive aisles are not permitted between the principal structure closest to the public street and the street.
4. No private parking area or garage 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 sideline of such adjoining lot.

### **Section 18-527 Parking Standards**

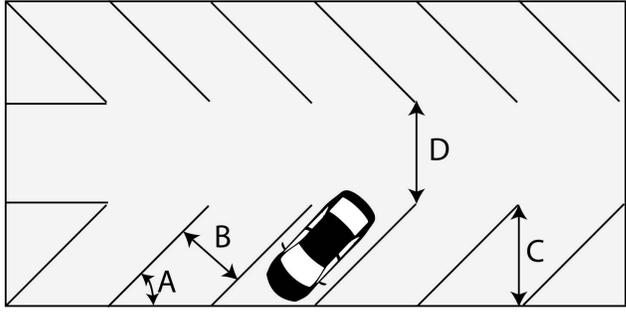
1. Ingress and egress to a public street shall be provided by means of entrances and exits meeting the specifications and maintaining a width of not less than twenty-five (25) feet nor more than thirty-five (35) feet at street right-of-way line.
2. All spaces in parking lots shall be provided with bumper guards, as deemed necessary by the Director of Public Works, in order to:
  - A. Protect buildings from vehicular bumpers,
  - B. Protect public sidewalks from overhanging bumpers,
  - C. Prevent vehicles from rolling down embankments or onto adjacent property, and
  - D. Provide protection against other hazards peculiar to the topography or site development of a particular parcel of ground.

**Section 18-528 Required Surface Treatment/Paving**

1. All driveways and parking areas shall be constructed of permanent materials, which consists of asphalt, concrete, or grid paver surface, meeting the specifications of the Town.
2. Other permeable surfaces that are permanent may be proposed but are subject to the approval of the Zoning Administrator and the Director of Public Works.
3. Gravel or grass shall not be permitted surface treatments used for parking.

**Section 18-529 Space Allocation for Parking and Measurement**

1. All garage or other permissible space allocated for the parking of vehicles within buildings or in basements or on the roofs of buildings, shall be considered part of the required off-street parking requirements.
2. When calculating the number of parking spaces required, any fraction greater than or equal to one-half (0.5) will be rounded up to the nearest whole number, and any fraction less than one-half (0.5) will be rounded down to the nearest whole number.
3. For purposes of computation under this Chapter, one compact automobile parking space shall be eight feet wide by sixteen (16) feet long.
4. All off-street parking spaces and adjacent aisles provided in compliance with the requirements of this article shall at least conform to the following minimum dimensions:

Minimum Standard Parking Spaces and Aisle Width Dimensions				
A. Parking Angle (degrees)	B. Stall Width (in feet)	C. Stall Length (in feet)	D. Aisle Width, One-way/Two-way (in feet)	
0 (parallel)	8	22	16/22	 <p>A - Parking Angle    B - Stall Width C - Stall Length    D - Aisle Width</p>
45	9	19	16/20	
60	9	20	18/20	
90	9	18	23/23	

**Section 18-530 Off-Site Parking**

Off-site parking may be approved subject to the following:

1. All required parking areas shall be located on the site or conveniently nearby, not more than 400 feet in distance from the principal structure or use.
2. The use of off-site parking provided in nearby properties must not conflict with the operation or the use of that property.
3. Any off-site parking will require approval of the Town Council and a recorded agreement with the property owner where the off-site parking will be provided. This off-site parking agreement(s) shall include an illustration of off-site parking spaces along with a count of spaces being made available for the use.

**Section 18-531 Minimum Required Off-Street Parking for Vehicles**

Minimum required off-street parking spaces required by use are listed in the table below:

<b>PROPOSED USE</b>	<b>Minimum Required Off-Street Parking Spaces</b>	<b>Notes/Additional Requirements</b>
Adult Business	1 space per 200 sq. ft.	
Adult Day Support Center	1 space per 4 adults, based on the maximum number of adults licensed to attend the center	
Animal Care Facility	<ul style="list-style-type: none"> <li>• Grooming or Commercial boarding: 1 space per 200 sq. ft. of gross floor area</li> <li>• Veterinary: 10 spaces plus additional spaces required to accommodate employees and visitors anticipated to be on-site at any one time.</li> </ul>	
Bed and Breakfast	1 space per guest room	
Brewpub	1 space per 200 sq. ft.	
Building Materials Storage and Sales	1 space per 1.5 employees on major shift, plus 1 space per company vehicle, plus sufficient space to accommodate the largest number of visitors anticipated to be on-site at any one time, but with a minimum of 1 space per 1,000 square feet of gross floor area	
Carwash	Space for 30 cars waiting for service	
Catering	1 space per 1,000 square feet of gross floor area or 1 space per employee on major shift, whichever is less	
Child Care Center	1 space per room used for care facility plus 1 space per 500 gross floor area of building	
College or Technical School	1 space per 200 sq. ft. for classroom and office facilities;	All other facilities associated with the use are subject to the requirements for the most similar use.
Continuing Care Facility	0.75 spaces per separate unit or bed approved on the development plan	

**Section 18-531 Minimum Required Off-Street Parking for Vehicles (continued)**

<b>PROPOSED USE</b>	<b>Minimum Required Off-Street Parking Spaces</b>	<b>Notes/Additional Requirements</b>
Craft Beverage Production Establishment	1 space per 4 seats where seating is at tables, plus 1 space per 2 seats where seating is at a counter, plus 1 space per 2 employees. This rate applies to outdoor seating in excess of 20 outdoor seats for an establishment with a gross floor area of less than 5,000 square feet, or to outdoor seating in excess of 32 outdoor seats for an establishment with a gross floor area of 5,000 square feet or more	
Entertainment	<ul style="list-style-type: none"> <li>• Theater: 2 spaces per 5 seats</li> <li>• Skating arena: 1 space per 100 sq. ft.</li> <li>• Video arcade: 1 space per 2 mechanical or electronic amusement devices in addition to required parking for primary use of building</li> </ul>	
Event Space	1 space per 2 seats	
Financial Institution	1 space per 200 sq. ft. of floor area plus sufficient space for 10 stacking spaces for first drive-through window and 5 spaces for each additional window	
Funeral Home or Mortuary	1 space per 4 seats in the main chapel or parlor, plus 1 space per 2 employees on major shift, plus 1 space for each vehicle used in connection with the business	
Grocery	4 spaces per 1,000 sq.ft	
Hotel	1 space per rental room	
Indoor Recreational Use, Private	<ul style="list-style-type: none"> <li>• 3 spaces per alley or lane</li> <li>• 2 spaces per court</li> <li>• Skating arena: 1 space per 100 square feet</li> <li>• Swimming pool: 1 space per 6 persons legally allowed in pool at one time</li> </ul>	Plus one space per employee on maximum shift
Manufacturing, Artisan	1 space per 3 employees on maximum shift	
Manufacturing, Light	1 space per 3 employees on maximum shift	
Massage Therapy	1 space per 200 sq. ft.	

**Section 18-531 Minimum Required Off-Street Parking for Vehicles (continued)**

<b>PROPOSED USE</b>	<b>Minimum Required Off-Street Parking Spaces</b>	<b>Notes/Additional Requirements</b>
Medical Care Facility	<ul style="list-style-type: none"> <li>• Hospital: 2.9 spaces per bed licensed by the State, plus additional or fewer spaces as deemed necessary based on specific analysis for each site.</li> <li>• Institution providing intensive special medical or mental care: 1 space per 2 patients, based on the occupancy load, plus 1 space per employee or staff member on major shift</li> </ul>	
Office	1 space per 200 sq. ft.	
Production or Processing	1 space per employee on major shift, plus 1 space per company vehicle and piece of mobile equipment	
Recycling Drop-off Facility	1 space per 1 employee on major shift, plus 1 space per company vehicle	
Restaurant	1 space per 4 seats	
Retail	<ul style="list-style-type: none"> <li>• Generally: 1 space per 200 square feet</li> <li>• Furniture: 1 space per 500 square feet of floor area plus 1 space per employee on maximum shift</li> </ul>	
Self-storage	3 spaces per 1,000 square feet of gross floor area of office space associated with the use plus 1 space per employee on major shift, and 2 spaces for a resident manager.	
Services, General	1 space per 200 sq. ft.	
Services, Personal	1 space per 200 sq. ft.	
Shared Kitchen	1 space per 3 employees on maximum shift	
Specialized Instruction	2 spaces per each 3 employees on major shift, plus a sufficient number of spaces to accommodate all persons anticipated to be on-site at any one time under normal operating conditions.	
Storage Yard	1 space per 1.5 employees on major shift, plus 1 space per company vehicle, plus sufficient space to accommodate the largest number of visitors anticipated to be on-site at any one time, but with a minimum of 1 space per 1,000 square feet of gross floor area	

**Section 18-531 Minimum Required Off-Street Parking for Vehicles (continued)**

<b>PROPOSED USE</b>	<b>Minimum Required Off-Street Parking Spaces</b>	<b>Notes/Additional Requirements</b>
Upper Story Residential	<ul style="list-style-type: none"> <li>• Efficiency: 1 space per dwelling unit</li> <li>• One bedroom: 1.5 spaces per dwelling unit</li> <li>• Two or more bedrooms: 2 spaces per dwelling unit</li> </ul>	
Vehicle Fueling Station	2 spaces per service bay, plus 6.5 spaces per 1,000 square feet of gross floor area devoted to the retail use, but never less than 5 spaces	
Vehicle Repair and Maintenance	1 space per 200 sq. ft. of net floor area, plus 2 spaces per service bay	Plus one space per employee on maximum shift
Vehicle Sales and Rental	1 space per 500 sq. ft. of enclosed sales and rental floor area, plus 1 space per 2,500 sq. ft. of open sales and rental display lot area, plus 2 spaces per service bay	Plus one space per employee on maximum shift Never less than 5 spaces
Warehouse	1 space per 1.5 employees on major shift, plus 1 space per company vehicle, plus sufficient space to accommodate the largest number of visitors anticipated to be on-site at any one time, but with a minimum of 1 space per 1,000 square feet of gross floor area	
Wholesale	1 space per 1.5 employees on major shift, plus 1 space per company vehicle, but with a minimum of 1 space per 1,000 square feet of gross floor area	

**Section 18-532 Stacking Requirements**

1. Stacking spaces must be designed so that they do not impede pedestrian or vehicular circulation on the site or along any abutting street.
2. All required stacking spaces must be a minimum of eighteen (18) feet in length.
3. The geometric design of the stacking aisle, including but not limited to the radius and width of the travel aisle, is subject to the approval of the Board of Zoning Appeals.

**4. Minimum stacking spaces required.**

<b>PROPOSED USE</b>	<b>Minimum Stacking Space Required</b>
Car Wash	Ten (10) stacking spaces per bay or stall for an automated establishment
Drive Through Financial Institution	Four (4) stacking spaces for each drive-through window
Drive Through Pharmacy	Four (4) stacking spaces for each drive-through window
Restaurant with Drive Through	Eleven (11) stacking spaces for each drive-through window
Drive Through Other	Four (4) stacking spaces for each drive-through window

**Section 18-533 Loading Area Requirements**

Loading areas shall meet the following standards:

**1. Minimum loading spaces required.**

- A. Where a given use or building contains a combination of uses, loading facilities must be provided on the basis of the sum of the required spaces for each use.
- B. If there is uncertainty with respect to the amount of loading space required by the provisions of this Ordinance as a result of an indefiniteness as to the proposed use of a building or land, the maximum requirement for the general type of use that is involved governs.
- C. Where the required number of loading spaces is not set forth for a particular use, and where there is no similar type of use listed, the Zoning Administrator will determine the basis of the number of spaces to be provided.
- D. Minimum loading spaces required by use are listed in the table below:

<b>PROPOSED USE</b>	<b>Minimum Loading Space Required</b>	<b>Notes/Additional Requirements</b>
Office/Medical/Service	One (1) space per 100,000 sq. ft. of gross floor area	
All Other Commercial Uses including Shopping Centers	One (1) space per 50,000 sq. ft. of gross floor area	No more than five (5) loading spaces are required for a structure
Industrial	One (1) space per 50,000 sq. ft. of gross floor area	No more than five (5) loading spaces are required for a structure
Upper Story Residential	One (1) space per fifty (50) dwelling units	
Other	One (1) space per 100,000 sq. ft. of gross floor area	

**2. Required dimensions of loading space**

- A. Minimum twenty-five (25) feet in depth;
- B. Minimum fifteen (15) feet in width; and
- C. Minimum fifteen (15) feet in height, if located within a building.

**3. Location.**

- A. All required off-street loading spaces must be located on the same lot as the use served.
  - B. Loading spaces may not be located in a required front setback.
  - C. Loading areas must not interfere with the free circulation of vehicles in any off- street parking area.
4. When an existing structure or use is expanded, accessory off-street loading spaces must be provided in accordance with the minimum requirements for the entire structure or use, as expanded or enlarged.
5. Required off-street loading areas may not be used to satisfy the space requirement for any off-street parking facilities.

**Section 18-534 Bicycle Parking Requirements**

1. Minimum bicycling parking spaces required by use are listed in the table below:

<b>PROPOSED USE</b>	<b>Short-term Bike Parking Spaces</b>	<b>Long-term Bike Parking Spaces</b>
Office/Medical/ Service	One (1) space per 5,000 sq. ft. of gross floor area	One (1) space per 2,000 sq. ft. of gross floor area
Restaurant/Retail	One (1) space per 10,000 sq. ft. of gross floor area	One (1) space per 5,000 sq. ft. of gross floor area
Upper Story Residential	One (1) space per 10 dwelling units	One (1) space for every two (2) dwelling units
Other	One (1) space per 10,000 sq. ft. of gross floor area	One (1) space per 10,000 sq. ft. of gross floor area

2. Both short-term and long-term bicycle parking shall be located in visible, well-illuminated areas that do not impede or conflict with automobile, pedestrian, or bicycle traffic.

3. **Short-term bicycle racks** shall comply with the following:
  - A. Short-term racks shall include inverted “U” bicycle racks and circular bicycle racks or acceptable variations as determined by the Zoning Administrator with recommendation from the Director of Public Works..
  - B. Bicycle racks that are located parallel to each other shall be at least three (3) feet apart and shall allow bicycles to be locked on both sides without conflict.
  - C. Bicycle racks that are located in a linear configuration shall be at least five (5) feet apart.
  - D. Bicycle racks shall be securely anchored and shall be easily usable with u-locks and cables.
  - E. Bicycle racks shall be spaced at least two (2) feet from walls, curbs, pavement edges, or other structures.
4. **Long-term bicycle racks** shall comply with the following:
  - A. Long-term bicycle racks, which are intended for overnight parking, and longer, shall be covered and weather resistant.
  - B. Long-term bicycle racks may include, but are not limited to, covered bicycle racks that meet the standards of short-term bicycle racks; or bicycle lockers or bicycle racks that meet the standards of short-term bicycle racks and are located within a parking structure or other enclosed structure.
  - C. Bicycle lockers shall be anchored in place and have an opening clearance of at least five (5) feet.
  - D. Long-term bicycle racks must be located no more than one-hundred (100) feet from the building entrance that the bicycle rack is intended to serve.

## **DIVISION 6. REFUSE AREAS, MECHANICAL EQUIPMENT, AND UTILITIES**

### **Section 18-535 Refuse Disposal**

1. If dumpsters are used for refuse disposal, then each dumpster shall be located on a concrete pad with minimum dimensions of twenty (20) feet by twelve (12) feet and shall be enclosed by adequate walls or opaque fencing that is a minimum of one (1) foot taller than the container, and no taller than eight (8) feet.
2. No enclosure may be located in any required front yard, street side yard, required parking area, required landscaping area, or any other area required by law to be maintained.
3. The enclosure may consist of a solid wood fence, masonry (non-CMU) walls, or combination thereof.
4. Said areas shall protect refuse from dispersal by wind or other cause, must be kept free of litter and refuse overflow, and shall be well drained.
5. Refuse disposal areas shall be located such that access is unobstructed and the areas are fully accessible to collection equipment, public health inspection, and fire inspection personnel without impeding traffic or encroaching upon required parking spaces.
6. Reference **Chapter 13A** for additional requirements for refuse storage and collection.

**Section 18-536 Mechanical and Utility Equipment**

1. All rooftop equipment (such as air handling units, exhaust fans, and other mechanical systems and equipment) shall be placed as close to the middle of the roof as possible, to maximize the likelihood that the equipment will not be visible from the right-of-way or from adjacent properties.
2. All rooftop equipment on any building shall be fully screened from view from the right-of-way and adjacent properties by use of screening material that is consistent with the material found on the building façade.
3. Mechanical equipment located on the ground should be screened, whenever possible, with fencing, walls, mural wraps, and/or landscaping.

**Section 18-537 Underground Utility Services**

1. All utility 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 the ordinance from which this section is derived, be placed below the surface of the ground; provided that:
  - A. Equipment such as electric distribution transformers, switchgear, meter pedestals, and telephone pedestals, which are normally installed above ground in accordance with accepted utility practices for underground distribution systems, may be so installed; and
  - B. Meters, service connections, and similar equipment normally attached to the outside wall of the premises it serves may continue to be so installed.
2. Existing overhead utility services to any building, accessory building, or structure erected prior to the effective date of the ordinance from which this section is derived may remain overhead when repaired, replaced, or increased in capacity.
3. All improvements herein required shall be constructed in accordance with accepted standards of utility practice for underground construction.
4. 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.

## **DIVISION 7. SIGNS**

### **Section 18-538 Purpose and Intent**

1. The intent of this division is to control all signs within the Town, to ensure that they are appropriate for their respective principal uses and in keeping with the appearance of the affected property and surrounding environment, and to protect the public health, safety, morals and general welfare. In addition, the intent of this article is to:
  - A. Encourage good design in the context of the overall image and visual environment of the Town;
  - B. Protect property values; enhance the appearance of the business and industrial community;
  - C. Stimulate the economic vitality of the Town, encourage a business atmosphere that continues to attract new enterprises to the Town, encourage trade within the Town, and to appropriately inform consumers;
  - D. Ensure that signs are adequate, but not excessive;
  - E. Prohibit the erection of signs in such numbers, sizes, designs and locations as may create danger to the public by obscuring road signs or by unsafely diverting the attention of motorists;
  - F. Prohibit signs which are likely to create unsafe conditions because of unsound structures or unsuitable locations;
  - G. Avoid excessive competition for placement of signs, so that permitted signs provide identification, direction, information and advertising while minimizing clutter and unsightliness.
2. The general premise for the control of signs includes legibility, the effective display of information, the safety of passing traffic, and the coordination of signs with buildings, landscaping and other elements of the visual environment. In particular, signs should be designed and constructed as follows:
  - A. For maximum legibility, considering viewing, location and traffic conditions.
  - B. For size and dimensions, signs should be related to the frontage and setback of the building.
  - C. The setback and size of signs should give a fair exposure to all commercial buildings in a given area.
  - D. Signs should be integrated with the architecture of the buildings to which they relate, and with the nearby landscaping.

### **Section 18-539 Applicability**

1. This article shall be interpreted in a manner consistent with the First Amendment guarantee of free speech. This article shall allow a noncommercial message to be automatically displayed, whenever a commercial message is allowed to be displayed. If any provision of this article is found by a court of competent jurisdiction to be invalid, such finding shall not affect the validity of other provisions of this article, which can be given effect without the invalid provision.

## Article 5A. Development Standards – Commercial, Industrial, and Mixed Uses

2. A sign placed on land or on a building for the purpose of identification, protection, or directing persons to a use conducted therein shall be deemed to be an integral but accessory and subordinate part of the principal use of land or building. Therefore, the intent of this article is to establish limitations on signs in order to ensure they are appropriate to the land, building, or use to which they are appurtenant and are adequate for their intended purpose while balancing the individual and community interests.
3. These regulations are intended to promote signs that are compatible with the use of the property to which they are appurtenant, landscape and architecture of surrounding buildings, are legible, are not distracting to motorists, and are constructed and maintained in a structurally sound and attractive condition.
4. This Article does not apply to any sign placed in a public right-of-way and does not authorize or prohibit placement of any sign there.

### 5. Exclusions

The following are not considered signs per this ordinance. Features not considered signs are excluded from the calculation of sign area.

- A. Federal, state, and local flags.
- B. Street address signs.
- C. All displays less than 1.5 square feet in area.

## Section 18-540 Sign Area

### 1. How to Measure Sign Area and Dimensions

See §18-903 for information.

### 2. How to Apply Permitted Sign Area

- A. Sign area for permanent building-mounted and ground-mounted signage is determined by the length of the building frontage.
- B. All sign types count towards either the ground-mounted sign area or the building-mounted sign area.
- C. No single tenant in a multi-tenant building or site may exceed the sign area of the width of the tenant frontage without approval from the landowner or building manager.

## Section 18-541 Sign Illumination

1. Certain sign types may be illuminated as indicated herein. The type of lighting depends on the sign type and on the zone or district in which it is located as set forth herein.
2. No sign shall be illuminated if it is located on a building frontage within fifty (50) feet of a property line adjoining a residentially zoned property or a public alley that separates commercial/industrial districts and residential zones.
3. All external light sources for signage should be shielded and down-facing, and the light shall be so directed that only the face of the sign is illuminated.

4. Sign illumination permitted by zone or district are as follows:

√= Permitted X= NOT PERMITTED

ZONE OR DISTRICT	GROUND MOUNTED SIGNS			BUILDING MOUNTED SIGNS		
	External	External Shadow	Internal	External	External Shadow	Internal
AC, AE, AW, GS, CP, M, NM	√	√	√	√	√	√
CS	√	√	X	√	√	√
CS-0	√	X	X	√	X	X
RS-10, RS-12.5, RS-16	√	X	X	√	√	X
RMU, PR	√	X	X	√	X	X
T	√	√	X	X	X	X



EXTERNAL



INTERNAL



SHADOW LIGHTING

Figure RE 5A.9. Sign illumination examples.

**Section 18-542 Sign Setbacks**

1. All ground-mounted sign structures must be set back from the right-of-way a distance that is at least equal to the sign height.
2. Signs must meet the height restrictions of §18-514 Sight Triangle.

**Section 18-543 Certificate of Approval Required**

1. All permanent sign types are required to be reviewed by the Board of Architectural Review and shall not be permitted or constructed until the Board of Architectural Review issues a Certificate of Approval. See §18-821 for review procedure.
2. Signs exempted from review by the Board of Architectural Review:
  - A. Signs that meet the requirements of a Master Sign Plan that has previously been approved by the Board of Architectural Review, and
  - B. Temporary signs, as described in §18-547.

### **Section 18-544 Prohibited Signs**

The following signs are prohibited in all zones and districts.

1. Signs and/or sign structures that are erected on any property without the express written permission of the property owner or their authorized agent(s).
2. Signs that are a public nuisance for, without limitation, reasons of amplified sound, smoke, vapor, particle emission or objectionable odors.
3. Moving or rotating signs, flags, pennants, streamers, balloons, or similar devices that involve motion or rotation of any part or display.
4. Signs with electronic messages; changeable copy; changing color(s); flashing, blinking, or oscillating effects; that imitate movement through lighting effects; or that use video display of any kind. Exception: As expressly permitted herein or for fuel station pricing signs in which prices are displayed continuously, with occasional changes.
5. Any exposed-tubing lighting arrangement, except that:
  - A. Signs of more than 1.5 square feet in total area and consisting of exposed tubing that were in existence as of August 19, 1991, may continue in operation only so long as they remain in good operating condition and provided that they are not replaced or altered in any manner whatsoever. For the purposes of this section, the term “replaced” shall mean the removal of an existing lighting arrangement and its substitution with any other type as defined herein; and the term “altered” shall mean the process of changing, enlarging, extending, or reducing the existing lighting arrangement.
  - B. Any business establishment may have one or more signs with exposed-tubing lighting if the total area does not exceed 1.5 square feet, with the condition that the sign is not moving or blinking.
6. Portable signs. Signs located on trailers, wheels, or affixed to a vehicle intended for advertising. Exception: Business-related vehicles parked on-site with valid tags and registration.
7. Signs that contain words, pictures, or statements that are obscene.
8. Signs placed in the right-of-way without the expressed consent of the Town. See Town Code [§10-28.1](#).
9. Signs of any type shall not be erected upon the roof of any building, except on the sides of a mansard-type roof.

### **Section 18-545 Removal of Unsafe, Unlawful, or Abandoned Signs**

1. Signs must be covered or removed once a property is abandoned or once the use for which a sign has been created and installed is no longer occupying the relevant site. See Article 9 [§18-855.6](#).
2. All signs and sign structures shall be maintained in good repair and in a safe and secure condition. A sign or sign structure found by the zoning administrator or their designee to be unsafe or insecure may be deemed a public nuisance, subject to the removal provisions of this Chapter.

3. All signs and sign structures shall be kept in a neat, clean and presentable condition, such that each sign information item is clearly legible. A sign found by the zoning administrator or their designee to show clear evidence of deterioration, including rust, faded colors, discoloration, holes and missing parts or information items, may be deemed a public nuisance, subject to the removal provisions of this Chapter.

**Section 18-546 Sign Standards - Permanent Signs**

1. Permanent signage is permitted for commercial, industrial, and mixed uses in all zoning districts.

**2. Ground mounted signs**

- A. Total maximum aggregate sign area permitted for ground mounted signs for all commercial, industrial, and mixed uses in all zones and districts are as follows:

	RS-10, RS-12.5, RS-16	RMU, T, CS-O	AC,AC-O, CS, M, NM	AE, AW, GS	CP
<b>All Sites &amp; Structures</b>	36 sq. ft.	24 sq. ft.	-	-	150 sq. ft.
<b>Sites with Primary Site Frontage of:</b>					
124 linear ft. or less			24 sq. ft.	36 sq. ft.	
125 to 249 linear ft.			36 sq. ft.	48 sq. ft.	
250 linear ft. or more			48 sq. ft.	60 sq. ft.	

- B. Maximum height of ground mounted signs for all public, institutional, and community uses in all zone or districts are as follows:

	RS-10, RS-12.5, RS-16	RMU, T, NM, CS-O	AC,AC-O, CS, M	AE, AW, GS	CP
<b>All Sites &amp; Structures</b>	4 ft.	4 ft.	10 ft.	10 ft.	10 ft.

**C. Number of Ground Mounted Signs Permitted by Type in all zones and districts:**

**i. Properties located in AC, AC-O, AE, AW, CS, GS, NM:**

Primary Frontage of Site	Monument	Secondary	Freestanding Hanging
124 linear ft. or less	1 per site	* No count limit	2 per site
125 linear ft. or more	2 per site	* No count limit	3 per site

**ii. Properties located in other zones and districts:**

Zone or District	Monument	Secondary	Freestanding Hanging
RS-10, RS-12.5, RS-16	1 per frontage	* No count limit	1 per entrance
RMU	* No count limit	* No count limit	1 per entrance
CS-O	* No count limit	* No count limit	* No count limit
T	1 per entrance	* No count limit	3 per site
M	1 per entrance plus 1 per trail frontage	* No count limit	1 per site plus 1 per trail frontage
CP	1 per entrance	* No count limit	Not permitted

**3. Building mounted signs**

**A. Total maximum aggregate sign area permitted for building mounted signs for all public, institutional, and community uses in all zones and districts are as follows:**

Zone or District	Total Sign Area Permitted
AC, AC-O, AE, AW, CS, CS-O, GS, M, NM	2 sq. ft. per linear foot of building frontage at ground level
T	5 sq. ft. per tenant max
RS-10, RS-12.5, RS-16, RMU	24 sq. ft. max.
CP	500 sq. ft. max.

**B. Number of Building Mounted Signs Permitted by Type in all zones and districts:**

**i. Properties located in AC, AC-O, AE, AW, CS, GS:**

Primary Frontage of Site	Wall; Wall, Minor; Awning	Projecting	Projecting, Minor	Window	Canopy
124 linear ft. or less	* No count limit	1 per structure	1 per building frontage max.	1 per window frame max. at ground level	2 per canopy max.
125 linear ft. or more	* No count limit	1 per building frontage max.	1 per building tenant max., located on ground level only	1 per window frame max. at ground level	2 per canopy max.

**ii. Properties located in other zones and districts:**

	RS-10, RS-12.5, RS-16, PR	RMU	CS-O	T	M	CP
<b>Wall</b>	1 per building max	*No count limit	*No count limit	1 per tenant max.	*No count limit	*No count limit
<b>Wall, Minor</b>	*No count limit					
<b>Projecting, Minor</b>	*No count limit	1 per building frontage max.	1 per tenant max.	1 per tenant max.	1 per tenant max.	*No count limit
<b>Window</b>	Not permitted	Not permitted	1 per tenant max.	Not permitted	1 per window max.	Not permitted
<b>Awning</b>	1 per building frontage max.	1 per building frontage max.	1 per tenant max.	*No count limit	*No count limit	*No count limit
<b>Canopy</b>	1 per canopy max.	Not permitted	1 per canopy max.	1 per canopy max	2 per canopy max.	*No count limit

**Section 18-547 Sign Standards - Temporary Signs**

1. Temporary signs are permitted for commercial, industrial and mixed uses as follows:

**STANDARDS FOR TEMPORARY WINDOW SIGNS**

Type of Sign	Sign Area	Number of Signs Permitted	Maximum Duration of Display
Window signs	25% max. of total area of single window	1 sign per window	60 days
A-Frame signs	12 sq. ft. max. for any single sign	1 sign per tenant	Unlimited
Banners & yard signs	25 sq. ft. max. for any single sign	50 sq. ft. max. cumulative sign area	60 days
Non-commercial signs (construction, for sale, rent, or lease)	32 sq. ft. max. total sign area	1 sign per frontage max.	During duration of construction, sale, rent or lease

**2. Other Regulations for Temporary Signage**

- A. Temporary signs must be constructed of durable weather resistant materials.
- B. Moving or unsecured signs are prohibited.
- C. Banners and non-rigid signage must be affixed to a building or frame so that they shall not move with the wind or function as a flag.
- D. Non-commercial signs (construction, for sale, rent, or lease) shall not exceed five (5) feet in height.
- E. Temporary yard signs shall not exceed four (4) feet in height.
- F. Damaged, faded, or torn temporary signs must be removed.
- G. Signs must not block pedestrian access ways.
- H. All temporary signs must be located on private property, and may only be posted with the permission of the property owner.
- I. Unauthorized signs are to be removed by the property owner or tenant.

**3. Church Street Vision Overlay**

Temporary window signs in the Church Street Vision may not cover more than ten percent of any window area in which it is placed. Temporary window signs may not stay up for more than 30 days at one time and there may be no more than four such signs posted in any one calendar year.

**4. Temporary Sign Types**

**A. A-Frame**

- i. All signs must be clear of pedestrian pathways on private property.
- ii. A-Frame signs are to be displayed only during a business’s operating hours.
- iii. A-Frame signs may not be placed in the right-of-way.

**B. Banners**

Banners must be affixed to a flat surface such as a building, railing or a solid frame to remain static.

**C. Window**

- i. Window signs must be affixed to the interior of windows.
- ii. Damaged or faded window signs must be removed.

**D. Yard signs**

Yard signs must be constructed of durable, weather resistant materials.

## **DIVISION 8. CORPORATE PARK (CP) DISTRICT PERFORMANCE STANDARDS**

### **Section 18-548 Use Limitations**

All uses in a CP District 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.**
  - A. All noise shall be muffled so as not to be objectionable due to intermittence, beat frequency, or shrillness.
  - B. In no event shall the sound-pressure level of noise radiated continuously from a facility at nighttime exceed at the lot line the values given in Table 1 (set out hereafter) in any octave band of frequency.
  - C. 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 nighttime shall not exceed at the lot line the values given in Table 2 (set out hereafter) in any octave band of frequency.
  - D. The sound-pressure level shall be measured with a sound level meter and an octave bank 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 for measurement.)
  - E. 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 3 shall be added to or subtracted from each of the decibel levels given above in Table 1 or Table 2.

**TABLE 1: 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

**TABLE 2: 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., , where the lot line adjoins or lies within 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

**TABLE 3**

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. **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:
  - A. 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
  - B. Of such opacity as to obscure an observer’s view to a degree equal to or greater than does smoke described in paragraph 3A of this standard.
4. **Combustion contaminants.**
  - A. 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 at standard conditions.
  - B. 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.

**TABLE 4: 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

**TABLE 4: Maximum Allowable Discharge per Hour (CONTINUED)**

Process Weight Per Hour, LB	Allowable Discharge Per Hour, LB	Process Weight Per Hour, LB	Allowable Discharge Per Hour, LB
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
1,100	2.97	6,500	7.71
1,200	3.12	7,000	8.05
1,300	3.26	7,500	8.39
1,400	3.40	8,000	8.71
1,500	3.54	8,500	9.03
1,600	3.66	9,000	9.36
1,700	3.79	9,500	9.67
1,800	3.91	10,000	10.00
1,900	4.03	11,000	10.63
2,000	4.14	12,000	11.28
2,100	4.24	13,000	11.89
2,200	4.34	14,000	12.50
2,300	4.44	15,000	13.13
2,400	4.55	16,000	13.74
2,500	4.64	17,000	14.36
2,600	4.74	18,000	14.97
2,700	4.84	19,000	15.58
2,800	4.92	20,000	16.19
2,900	5.02	30,000	22.22
3,000	5.10	40,000	28.3
3,100	5.18	50,000	34.3
3,200	5.27	60,000	40.0

5. **Particulate matter.**

- A. There shall not be discharged in any one hour from any sources whatsoever, except as provided in subsection 4 of this section, particulate matter, excluding condensed steam, in total quantities in excess of the amount shown in the preceding table.
- B. When the process weight is in excess of 60,000 pounds per hour, there shall not be discharged in any one (1) hour from any source whatsoever dust or fumes in excess of 0.066 percent of the hourly process weight.

6. **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.

7. **Exceptions.** Subsections 3, 4, 5, and 6 of this section do not apply to:

- A. Fire set by any officer, employee, or firefighter 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 firefighting or research relating to the prevention and control of fires.
- B. Agricultural operations in the growing of crops or the raising of fowl or animals.

8. **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 3; Manufacturing Chemists' Assn., Washington, D.C. 1951.

9. **Electromagnetic radiation.** The following standards shall apply:

- A. 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, and government-owned plants, the regulations of the Interdepartmental 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 Interdepartmental 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.

- B. 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:
  - i. American Institute of Electrical Engineers,
  - ii. Institute of Radio Engineers, and
  - iii. Electronic Industries Association.
- C. 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 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. Further, it is required that any person 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 ten watts, shall file, at least 30 days prior to such operation, a description of the radiating device and the operating characteristics thereof with the Town.
- D. **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 design. 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 (kc = kilocycles; mc = megacycles):

<b>TABLE 5: Radiated</b>		
<b>Section of Electromagnetic Spectrum (from - to)</b>	<b>Primary Intended Service</b>	<b>Maximum Field Strength at Edge of Property Containing Interference Source</b>
10kc*–100kc	Communications Service	500 microvolts/meter
100kc–535kc	Navigational Aids	300 microvolts/meter
535kc–1605kc	AM Broadcasting	200 microvolts/meter
1605kc–44mc**	Various Communications Service	200 microvolts/meter
44mc–88 mc	VHF Television Airport Control	150 microvolts/meter
88mc–174mc	FM Broadcasting	200 microvolts/meter
174mc–216mc	VHF Television	150 microvolts/meter

**TABLE 5: Radiated (CONTINUED)**

Section of Electromagnetic Spectrum (from - to)	Primary Intended Service	Maximum Field Strength at Edge of Property Containing Interference Source
216mc–580mc	Navigational Aids Citizens Radio	250 microvolts/meter
580mc–920mc	UHF Television	300 microvolts/meter
920mc–30,000mc	Various	500 microvolts/meter

\* kc = kilocycles

\*\*mc = megacycles

**TABLE 6: 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/Telephone Lines Cross Edge of Property Containing Interference Source
10kc*–100kc	Communications Service	2.5 millivolts
100kc–535kc	Navigational Aids	1.5 millivolts
535kc–1605kc	AM Broadcasting	1.0 millivolts
1605kc–44mc**	Various Communications Service	0.5 millivolts
44mc–88 mc	VHF Television Airport Control	0.25 millivolts
88mc–174mc	FM Broadcasting	1.5 millivolts
174mc–216mc	VHF Television	0.15 millivolts
216mc–580mc	Navigational Aids Citizens Radio	5.0 millivolts
580mc–920mc	UHF Television	20.0 millivolts
920mc–30,000mc	Various	150 millivolts

\* kc = kilocycles

\*\*mc = megacycles

**E. Method of measurement.**

- i. 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.
- ii. 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.

10. **Fire and explosion.** All activities and all storage of flammable explosive materials at any point shall be provided with adequate safety and firefighting devices in accordance with the Fire Prevention Code of Fairfax County.
11. **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 1, part 20, Standards for Protection Against Radiation, as amended, and all applicable regulations of the state.
12. **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 chapter. There shall be no emission or transmission of heat or heated air so as to be discernible at the lot line
13. **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, the County of Fairfax, Virginia, and the state water board, as applicable.

# ARTICLE 5B. DEVELOPMENT STANDARDS – PUBLIC, INSTITUTIONAL, AND COMMUNITY USES

# 5B

<b>DIVISION 1. GENERAL PROVISIONS</b>	<b>5B-1</b>
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## DIVISION 1. GENERAL PROVISIONS

### Section 18-551 Purpose

The standards in this Article 5B apply to all new construction, additions, and alterations with respect to any public, institutional, and community uses, as listed in [Article 3](#), in any zone or district.

### Section 18-552 Frontage Improvements

1. The developer of any lot shall dedicate land along the lot frontage for sidewalk, curb, and gutter improvements as shown on the adopted Town Pedestrian Plan. Dedication of such improvements shall be in accordance with the standards set forth in this Chapter.
2. The developer of any lot that fronts an existing street shall dedicate land, construct a sidewalk, and connect said new sidewalk to the existing adjacent sidewalks, if any. Sidewalks shall be constructed in accordance with the standards set forth in the Public Facilities Manual.
3. Upon application by the developer to the Town, the Town Council designates the Director of Public Works to waive, in exceptional circumstances, in consultation with the Town Attorney and Town Manager, in his or her discretion, the construction of such new sidewalk and permit the deposit of designated funds for such construction in accordance with [Article 6 Division 6](#).

### Section 18-553 Architectural Review

1. Any material change in the appearance of a building, structure, or site visible from public places (rights-of-way, plazas, squares, parks, government sites, and similar) and located in the Architectural Control Overlay District require review and approval by the Board of Architectural Review. See [§18-821](#) for Certificate of Approval process.
2. Material change in appearance shall include construction; reconstruction; exterior alteration, including changing the color of a structure or substantial portion thereof; demolition or relocation that affects the appearance of a building, structure or site. It shall also include any alterations of a building using lights that are placed in a configuration to outline the architectural features of the building, including, but not limited to, windows, doors, parapets and fascia and should be submitted as an exterior modification.

## DIVISION 2. ACCESSORY STRUCTURES AND AMENITIES

### Section 18-554 Accessory Structures Generally

1. Accessory structures are allowed only in connection with, incidental to, and on the same lot with a principal use or structure that is permitted.
2. Accessory structures on lots used for public, institutional, and community uses may include the following:
  - A. Sheds and similar storage structures;
  - B. Picnic shelters, gazebos, and similar structures;

- C. Restrooms;
  - D. Green houses; and
  - E. Other similar structures as determined acceptable by the Zoning Administrator.
3. No accessory structure may be used for dwelling purposes.
  4. One or more enclosed accessory buildings are permitted on a lot in the PR zone, the total floor area of which on any lot shall not exceed 150 square feet in area per acre of open space.
  5. The principal use shall take place primarily in the principal building(s). Accessory structures shall only contain uses subordinate to the principal use.
  6. All accessory structures must comply with the maximum height regulations applicable in the zone or district where they are located, except as may be qualified by another subsection of this Chapter. See Article 2 §18-212 for measurement of accessory structures.
  7. No accessory structure shall be located within any platted or recorded easement, except as expressly agreed to in writing by the easement owner. The applicant who is submitting for a building permit to construct an accessory structure shall be responsible for correctly identifying any easements and the ownership of those easements on the site plan.

**Section 18-555 Accessory Structure Setbacks**

The required setbacks for accessory structures are based on the following criteria (multiple criteria may apply):

Criteria	Setback
Location in relation to principal structure	Ten (10) ft. min. from principal structure
Location in relation to side and rear yard	Three (3) ft. min. from side and rear yard property lines
Location in relation to front yard	Fifteen (15) ft. min. from front yard property lines

**Section 18-556 Swimming Pools and Hot Tubs**

See [Chapter 19 Swimming Pools](#) for standards and required permits.

**Section 18-557 Open Space and Amenities**

The following describes and depicts acceptable types of open space for development. These types of open space may be combined

**1. Open Lawn Area**

Open lawn areas are informal areas for passive use bounded by roads or front facing lots. Tree plantings can be informal and the topography irregular. Greens may be used to preserve specimen trees.



Figure 5B.1. Example open lawn area.

**2. Playgrounds**

Playgrounds shall be designed with commercial grade play equipment. Playgrounds must meet all federal, state, and local regulations and be compliant with the Americans with Disabilities Act of 1990.



Figure 5B.2. Example playground.

**3. Gazebos and Other Shade Structures**

Freestanding structures which are covered by a roof and open air on all four sides.



Figure 5B.3. Example gazebo.

**4. Common Area/Courtyard**

An open space that may be improved and landscaped and is usually surrounded by streets and buildings.



Figure 5B.4. Example courtyard.

**5. Hardscaping and Landscaping**

Hard surface areas located on the ground that consist of pavers, stone, or other natural materials, along with fountains, and mixed with landscape materials, such as shrubs, trees, and grasses.



Figure 5B.5. Example hardscaping and landscaping.

**6. Outdoor Recreational Facilities**

An area designed and equipped for the conducting of sports and leisure-time activities, such as pools and sport courts.



Figure 5B.6. Example outdoor recreation facility.

**7. Pet Areas**

An area designed for pets to exercise and play off leash in a controlled environment under the supervision of their owners.



Figure 5B.7. Example pet area.

### Section 18-558 Satellite Antennae

#### 1. Location, number and size.

- A. Only one satellite antenna, which may not exceed fourteen (14) feet in diameter, may be erected or installed on any one building lot in the Town regardless of the zone in which it is located.
- B. Any such antenna shall be located only in the rear yard of such lot no closer than fifteen (15) feet to any side or rear lot line nor less than ten (10) feet from the rear of a principal building; provided, however, that in lieu of any such antenna in a rear yard, one (1) satellite antenna four (4) feet or less in diameter may be suitably mounted to the roof area of a building.
- C. **Corner Lot.** No satellite antenna on any corner lot shall be erected forward of the building line of any adjoining lot nor closer than fifteen (15) feet to the side of such adjoining lot.
- D. **Height limitation.** No satellite antennae mounted in any such yard shall exceed eighteen (18) feet measured vertically from the highest point of the signal receiving apparatus, when positioned for operation, to the bottom of the base which supports the satellite antenna, except any antenna which pursuant to this section may be located and suitably mounted to the roof of a building.

#### 2. Mounting and Screening.

- A. **Ground mounting.** All satellite antenna shall be ground-mounted pursuant to all requirements of the building code after securing the proper building permits, and shall be sufficiently secured to withstand a 100-year windstorm, with the exception of any such antenna four (4) feet or less in diameter, which is otherwise permitted by this section to be mounted to the roof area of a building.
- B. **Screening.** All ground-mounted satellite antenna over four (4) feet in diameter shall be screened from adjoining properties by a wooden or masonry fence of six (6) feet in height or by a living screen of evergreen plantings not less than five (5) feet in height at the time of planting, planted no more than five (5) feet on center and of a variety which will mature to a height of at least six (6) feet. All such fences or plantings shall be fully and properly maintained during such time as the antenna being screened shall remain in such location.

## DIVISION 3. LANDSCAPE, SCREENING, FENCES, AND WALLS

### Section 18-559 Minimum Tree Canopy Coverage

- 1. A tree canopy coverage plan shall be submitted along with applications for the following projects:
  - A. The development of an undeveloped tract;
  - B. The redevelopment of any existing tract by removal of a principal structure and replacement with a new principal structure; or
  - C. The addition to an existing principal structure that results in an area of disturbed soil exceeding 2,500 square feet.

2. A tree canopy coverage plan shall illustrate how the site will, after a maturation of twenty (20) years, achieve the tree canopy coverage minimums set forth in the table below.

Zone or District	Tree Canopy Coverage (as a percentage of total lot area)
Residential Single-Unit Detached Zones (RS-10, RS-12.5, RS-16)	Twenty (20) percent min.
Residential Multi-Unit Zone (RMU)	Fifteen (15) percent min.
Avenue Center (AC), Avenue East (AE), Avenue West (AW), Gateway South (GS), Mill (M), and Corporate Park (CP) Districts, Transitional (T) and Neighborhood Mixed-Use (NM) Zones	Ten (10) percent min.

3. All planting and replacement of trees shall be in accordance with the Town of Vienna Tree Preservation and Planting Specifications Manual, which is available online for download at [www.viennava.gov](http://www.viennava.gov).
4. Existing trees which are to be preserved, and with norelevant citations having been issued by the Town of Vienna throughout the duration of the project, may be included in the plan to meet all or part of the canopy requirements if the site plan identifies such trees and the trees meet standards of desirability and life expectancy established by the Town. Town of Vienna staff will perform a minimum of two (2) unannounced site inspections to determine compliance with tree protection and preservation regulations during construction.
5. The Town Council may grant reasonable exceptions or deviations from the requirements of this section (See §18-830) when strict application of the requirements would result in unnecessary or unreasonable hardship to the developer, or to allow for reasonable development of the following:
  - A. Areas devoid of woody materials;
  - B. Dedicated school sites;
  - C. Playing fields and other non-wooded areas and uses of a similar nature.

**Section 18-560 Parking Lot Landscaping**

1. All parking lots shall include a landscaping strip along the entire perimeter of the parking lot of at least five (5) feet in width. The landscaping strip may include breaks for bicycle, pedestrian, and vehicle access, and shall include the following:
  - A. One (1) canopy or understory tree per thirty-five (35) feet of linear footage; and
  - B. Three (3) large shrubs, which are of a type that are able to reach at least three (3) feet in height within three (3) years of planting, per twenty-five (25) feet of linear footage.

2. One (1) interior landscaping island shall be provided for every ten (10) parking spaces. If a lot has multiple interior landscaping islands, the interior landscaping islands must be evenly distributed throughout the parking lot.
3. Each interior landscaping island must consist of a minimum of two hundred (200) square feet, a minimum width of eight (8) feet, at least one (1) tree per 150 square feet of parking island area.
4. No parking space shall be more than seventy (70) feet away from the trunk of a shade or canopy tree.
5. Parking rows must have terminal islands located at both ends of each row.
6. Interior islands may be installed below the level of the parking lot surface to allow for the capture of stormwater runoff.

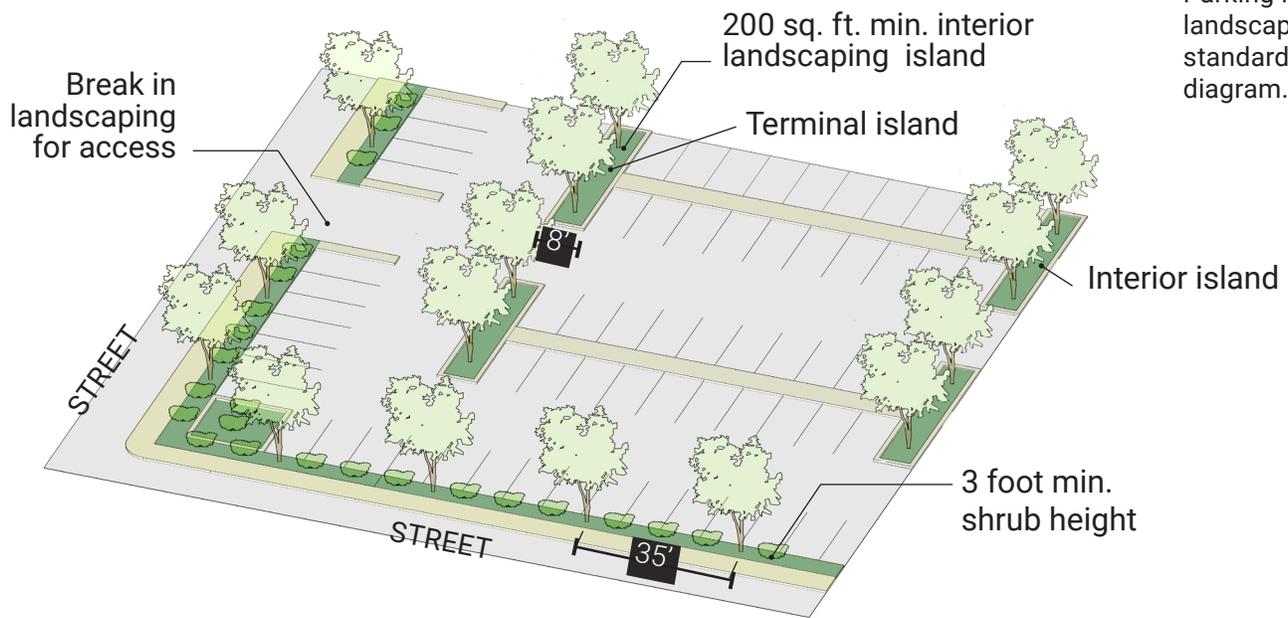


Figure 5B.8. Parking lot landscaping standards diagram.

### Section 18-561 Buffer Between Zones

1. **Required Planting Buffer.** The following table sets forth the required screening buffer width between properties:

- A. When a screening buffer is required, a combination of understory trees, canopy trees, and shrubs shall be included on the proposed development’s site along the property line as follows:

Specifications	5 ft. Buffer	10 ft. Buffer
Canopy Trees (per 100 ft along shared lot lines)	Not required	Three (3) min.
Understory Trees (per 100 ft along shared lot lines)	Four (4) min.	Three (3) min.
Shrubs	Three (3) min.	Four (4) min.

- B. All plantings and trees must be permanently maintained in good growing condition and replaced with new plant materials, when necessary, to ensure continued compliance with applicable landscaping and/or buffer yard requirements.

**2. Wall Required Adjacent to Single-Unit Residential.**

- A. All land zoned AC, AE, AW, CS, GS, M, NM or T on which any public, institutional, or community use is conducted shall be screened from all adjacent single-unit detached and multi-unit attached residential zones.
- B. Required screening shall be a six (6) foot tall masonry wall constructed of brick or other ornamental masonry of equal acceptable aesthetic quality along the boundary adjacent to the less intensive use.
- C. The six (6) foot height of the wall shall be measured from the grade level on the residential side of the wall.
- D. If an alley or public utility easement is abutting in between land that would require a wall and residential property, the wall shall still be required.

3. **Modification of Wall Requirement.** The Town Council may waive or modify the requirement for any masonry wall or walls required by this section if in the judgment of the Council such wall or walls would not protect the residential property against loss of privacy, trespass by persons or vehicles, or intrusion of noise or trash, or other impacts attributable to activities conducted on the subject multi-unit attached residential lot. See Article 8 §18-830 for application information.

4. **Required Maintenance of Buffer and Screening.** Required screening shall be maintained as shown on the approved site plan. Removal or replacement of screening, fences, and walls with a different material or design shall require an amendment of the site plan. See Article 8 §18-836 for application procedures.

**Section 18-562 Fences and Walls**

**1. Applicability.**

- A. The provisions of this section shall apply to all construction, substantial reconstruction, or replacement of fences or walls not required for support of a principal or accessory structure, and to any other linear barrier intended to delineate different portions of a lot.
- B. Temporary fences for construction sites and tree protection are exempted from these standards but shall comply with the requirements of the Uniform Statewide Building Code.

**2. Location and Height.**

- A. Fences or walls related to a private property shall not be placed in the public right-of-way.
  - B. Fences and walls are permitted adjacent to the property line between two or more parcels of land.
  - C. Fences and walls may be located within any required yard.
  - D. Fences shall be a maximum of six (6) feet in height within the area of any required yard setback, with the following exceptions:
    - i. Fences on residentially zoned properties shall not exceed four (4) feet in height between the front of the principal building and street.
    - ii. Fences must comply with site triangle standards. See §18-563.
    - iii. Fences on outdoor recreation fields and courts may be a maximum of twelve (12) feet in height.
    - iv. Baseball backstops may be a maximum of twenty (20) feet in height for the center panel and twelve (12) feet in height for the wings.
    - v. Fences used for security and protection of Town and/or government facilities, structures and/or utilities, may exceed the height restriction set forth in this Article.
  - E. Building setbacks, as described in Article 2, shall apply to all retaining walls five (5) feet or greater in height and all decorative walls four (4) feet or greater in height.
- 3.** Any fences shall have the finished side facing the street and the properties that are adjacent or abutting.
- 4. Fence Materials.** Use of barbed wire, razor wire, concertina wire and/or other security enhancement devices is prohibited except for security protection of Town and/or government facilities, structures and/or utilities if approved by resolution of the Town Council. Such resolution shall be based upon the recommendation of the Director of Public Works and Chief of Police and upon a finding by the Town Council that such measures are necessary in the interest of public safety and security for such facility, structure and/or utility.

**Section 18-563 Sight Triangle**

- 1. On any corner lot in a residential zone there shall be no fences, walls, structure, planting, 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. See Figure 5B.9.
- 2. On any corner lot in a non-residential zone or district at the intersection of two (2) streets, no building or obstruction shall be permitted within eight (8) feet of the intersection of the extension of the two street lines.

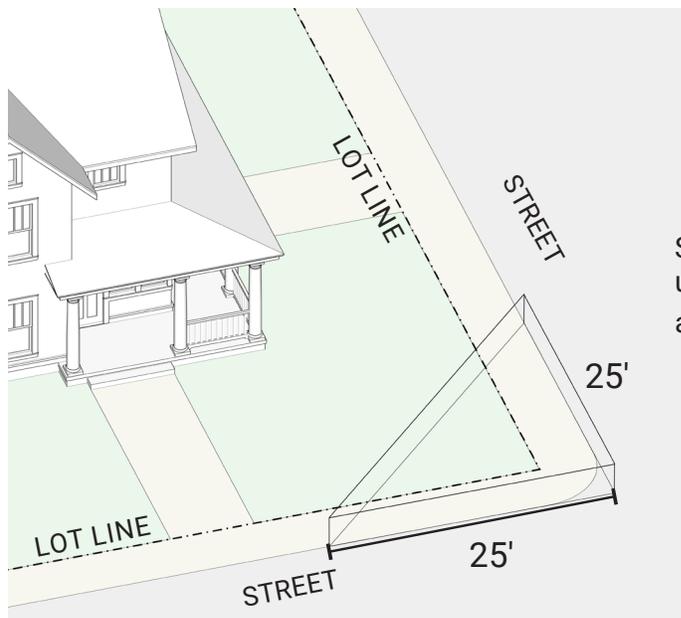


FIGURE 5B.9  
Illustration of sight triangle at the intersection of two streets in a residential zone or district.

Sight triangle to be unobstructed 3 feet above curb level

## DIVISION 4. LIGHTING

### Section 18-564 Purpose and Intent

The purpose and intent of this division is to regulate exterior lighting to:

1. Provide security for persons and land;
2. Ensure all exterior lighting is designed and installed to maintain adequate light levels on site; and
3. Ensure that adjacent lands, neighboring areas, and motorists are protected from excessive light spillage and glare.

### Section 18-565 Applicability

1. **General.** Unless exempted in accordance with §18-566, the standards in this division apply to:
  - A. All new development;
  - B. All new lighting fixtures and replacement fixtures; and
  - C. Any extension, enlargement, or reconstruction of a building, structure, or parking lot, but only regarding the extended, enlarged, or reconstructed portions of the building, structure, or parking lot.
2. **Existing Non-conforming Lighting.** Outdoor lighting fixtures lawfully existing before the effective date of this Chapter (See §18-108), that do not conform to the provisions of this section are deemed to be a lawful nonconforming use and may remain. Whenever a nonconforming lighting fixture is replaced, the new fixture must conform to the provisions of this section.

### **Section 18-566 Exemptions**

The following exterior lighting is exempt from the regulations of this ordinance:

1. Underwater lighting used for the illumination of swimming pools and fountains;
2. Temporary holiday lighting displayed for a period not exceeding forty-five (45) consecutive days;
3. Lighting required and regulated by the Federal Aviation Administration, or other authorized federal, state, or local government agency; and
4. Emergency lighting used by police, fire, or medical personnel, or at their direction.

### **Section 18-567 Prohibited Outdoor Lighting**

The following outdoor lighting is prohibited:

1. Lasers, searchlights, strobe lights, and blinking lights, excluding temporary holiday lighting.
2. Low-pressure sodium and mercury vapor light sources.

### **Section 18-568 General Outdoor Lighting Standards**

1. All lighting fixtures shall be full-cutoff fixtures and shall be mounted such that the cone of light is contained on-site and does not cross any property line. The light source from any fixture shall be concealed and shall not be visible from any right-of-way or adjacent properties and not to exceed the boundary of the property.
2. Only incandescent, LED, fluorescent, metal halide, or color-corrected high-pressure sodium lighting sources may be used. The same light source type shall be used for the same or similar types of lighting on any one site throughout any development.
3. Lighting on any property abutting a property that is residentially zoned and developed, vacant, or homeowner's association open space, including light poles located on top of any parking structure, must be equipped with supplemental opaque shielding on the residential property side of the lighting fixture to reduce glare caused by direct light source exposure.
4. Use of motion sensors is encouraged.

### **Section 18-569 Maximum Illumination Levels**

Maximum luminance levels shall not exceed 0.5 foot-candles at the property boundary.

### **Section 18-570 Lighting Plan Required**

1. To ensure compliance with the standards of this section, a lighting plan demonstrating how exterior lighting will comply with the standards of this section shall be included as part of every development approval application that includes changes to or additions of lighting fixtures.
2. The Zoning Administrator may require evidence that the applicant is able to conform to the standards of this section. The Zoning Administrator may require the applicant to submit, at the expense of the applicant, reports or the certified results of tests with respect to any current or proposed operation of the use that is involved in relation to conformity to such standards, which reports or tests must be made by a competent laboratory or other agency.

### **Section 18-571 Parking Lot Lighting**

Parking lot lighting shall comply with the following:

1. Parking lot lights shall be a maximum height of 15 feet.
2. Parking lot lights may be located in any yard.
3. Fixtures shall be mounted in such a manner that the cone of light is contained on-site and does not cross any property line.

### **Section 18-572 Pedestrian Level Lighting**

Pedestrian light fixtures shall comply with the following:

1. Light fixtures for sidewalks, walkways, trails, and bicycle paths, shall provide at least 1.2 foot-candles of illumination, but not exceed 2.0 foot-candles.
2. Pedestrian bollard lamps shall be mounted no higher than four feet above grade.

### **Section 18-573 Outdoor Recreational Facilities Lighting**

Lighting of outdoor recreational facilities (public or private), such as, but not limited to, football fields, soccer fields, baseball fields, softball fields, or tennis courts, shall comply with the following:

1. All playing field and court lighting fixtures must use full cut-off or directionally shielded lighting fixtures, aimed toward the playing field or court; and must provide shielding to prevent light going in directions away from the playing field or court, to minimize glare and light trespass onto adjacent properties.
2. There is no maximum height for lighting fixtures associated with outdoor recreation and sports facilities.
3. All events shall be scheduled so as to complete all activity before or as near to 10:30 p.m. as practical, but under no circumstances shall any illumination of the playing field, court, or track be permitted after 11:00 p.m. except to conclude a scheduled event that was in progress before 11:00 p.m. and that circumstances prevented concluding before 11:00 p.m.

## **DIVISION 5. PARKING AND LOADING**

### **Section 18-574 Off-street Parking Generally**

1. No application for a building permit, use permit, or occupancy permit for a building or use in any non-residential zone or district or for any residential use in any non-residential zone or district shall be approved unless the minimum off-street parking requirements are accommodated either on site or off site in accordance with the requirements herein.
2. Required off-street parking spaces are to be made available to and provided for the use of the occupant or occupants and, if applicable, employees, patrons or customers of such uses.
3. Accessible parking spaces shall be provided in off-street parking facilities as required by Americans with Disabilities Act (ADA), 1990 Standards for Accessible Design.
4. Required parking for all principal and accessory uses must be maintained at all times, consistent with all site plans and permits.

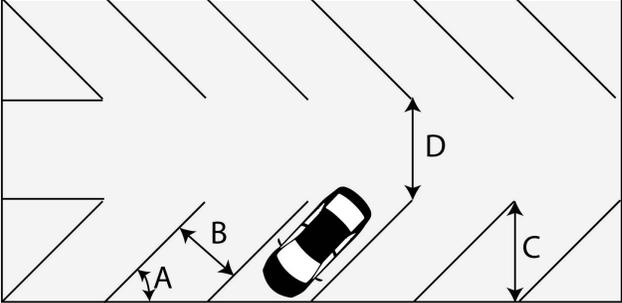
**Section 18-575 Non-availability of Parking Area**

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 off-street parking space is provided.

**Section 18-576 Space Allocation for Parking and Measurement**

1. All garage or other permissible space allocated for the parking of vehicles within buildings or in basements or on the roofs of buildings, shall be considered part of the required off-street parking requirements.
2. For purposes of computation under this Chapter, one compact automobile parking space shall be eight (8) feet wide by sixteen (16) feet long.
3. All off-street parking spaces and adjacent aisles provided in compliance with the requirements of this article shall at least conform to the following minimum dimensions:

Minimum Standard Parking Spaces and Aisle Width Dimensions			
A. Parking Angle (degrees)	B. Stall Width (in feet)	C. Stall Length (in feet)	D. Aisle Width, One-way/Two-way (in feet)
0 (parallel)	8	22	16/22
45	9	19	16/20
60	9	20	18/20
90	9	18	23/23



A - Parking Angle    B - Stall Width  
C - Stall Length    D - Aisle Width

**Section 18-577 Required Surface Treatment/Paving**

1. All parking areas shall be constructed of permanent materials, with an asphalt, concrete, or grid paver surface, meeting the specifications of the Town.
2. Other permeable surfaces that are permanent may be proposed but are subject to the approval of the Zoning Administrator and the Director of Public Works.
3. Gravel or grass shall not be permitted surface treatments used for parking.

**Section 18-578 Parking Standards**

1. Ingress and egress to a public street shall be provided by means of entrances and exits meeting these same specifications and maintaining a width of not less than twelve (12) feet nor more than twenty-five (25) feet at the street right-of-way line.

2. All spaces in parking lots shall be provided with bumper guards, as deemed necessary by the Director of Public Works, in order to:
  - A. protect buildings from vehicular bumpers,
  - B. protect public sidewalks from overhanging bumpers,
  - C. prevent vehicles from rolling down embankments or onto adjacent property, and
  - D. provide protection against other hazards peculiar to the topography or site development of a particular parcel of ground.

#### **Section 18-579 Permitted locations for parking areas and spaces**

1. No private parking area or garage 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 sideline of such adjoining lot.
2. All automobile parking areas must be setback five (5) feet from side yard property lines.
3. Drive aisles are not permitted between the principal structure closest to the public street and the street.
4. Off-site parking may be approved subject to the following:
  - A. All required parking areas shall be located on the site or conveniently nearby, not more than 400 feet in distance from the principal use structure or use.
  - B. The use of off-site parking provided in nearby properties must not conflict with the operation of the use on that property.
  - C. Any off-site parking will require approval of the Town Council and a recorded agreement with the property owner where the off-site parking will be provided. This off-site parking agreement(s) shall include an illustration of off-site parking spaces along with a count of spaces being made available for the use.

#### **Section 18-580 Off-site Parking**

Off-site parking may be approved subject to the following:

1. All required parking areas shall be located on the site or conveniently nearby, not more than 400 feet in distance from the principal use structure or use.
2. The use of off-site parking provided in nearby properties must not conflict with the operation of the use on that property.
3. Any off-site parking will require approval of the Town Council and a recorded agreement with the property owner where the off-site parking will be provided. This off-site parking agreement(s) shall include an illustration of off-site parking spaces along with a count of spaces being made available for the use.

**Section 18-581 Minimum Required Off-Street Parking for Vehicles**

<b>PROPOSED USE</b>	<b>Minimum Required Off-street Parking Spaces</b>	<b>Notes/Additional Requirements</b>
Club or Service Organization	1 space per 300 square feet of gross floor area	
Community Center	<ul style="list-style-type: none"> <li>• 1 space per 4 seats in auditoriums and assembly rooms</li> <li>• 1 space per 4 recreation participants in game rooms and gymnasiums</li> <li>• 1 space per 200 square feet of permanent office space</li> </ul>	<ul style="list-style-type: none"> <li>• 1 seat per 15 square feet of gross floor area</li> <li>• 1 participant per 30 square feet of gross floor area</li> </ul>
Cultural Facility or Museum	1 space per 300 square feet of gross floor area	
Government	1 space per 300 square feet of gross floor area	
Outdoor Parks and Recreational	25 spaces per regulation playing field	Three or more regulation playing fields in one location may reduce to 75% of required number of spaces May provide shared parking facility plan
Religious Assembly	1 space per 6 seats provided in the main sanctuary	
School, Elementary, Middle, or High	1 space per faculty member and other full-time employee on major shift, plus 5 spaces per 100 students based on total maximum enrollment	
Utility Facility	1 space per 1.5 employees on major shift, plus 1 space per company vehicle	

### **Section 18-582 Loading Area Requirements**

Loading areas shall meet the following standards:

1. **Minimum loading spaces required.**
  - A. One (1) loading space per 100,000 square feet of gross floor area
  - B. No more than 5 loading spaces are required per structure.
  - C. Where a given use or building contains a combination of uses, loading facilities must be provided on the basis of the sum of the required spaces for each use.
  - D. If there is uncertainty with respect to the amount of loading space required by the provisions of this Ordinance as a result of an indefiniteness as to the proposed use of a building or land, the maximum requirement for the general type of use that is involved governs.
  - E. Where the required number of loading spaces is not set forth for a particular use, and where there is no similar type of use listed, the Zoning Administrator will determine the basis of the number of spaces to be provided.
2. **Required dimensions of loading space.**
  - A. Minimum 25 feet in depth;
  - B. Minimum 15 feet in width; and
  - C. Minimum 15 feet in height, if located within a building.
3. **Location.**
  - A. All required off-street loading spaces must be located on the same lot as the use served.
  - B. Loading spaces may not be located in a required front setback.
  - C. Loading areas must not interfere with the free circulation of vehicles in any off-street parking area.
4. When an existing structure or use is expanded, accessory off-street loading spaces must be provided in accordance with the minimum requirements for the entire structure or use, as expanded or enlarged.
5. Required off-street loading areas may not be used to satisfy the space requirement for any off-street parking facilities.

### **Section 18-583 Bicycle Parking**

1. **Minimum bicycle parking spaces required.**
  - A. Short-term: One (1) space per 2,500 square feet but no less than 8 spaces
  - B. Long-term: One (1) space per 2,500 square feet
2. **Location.** Both short-term and long-term bicycle parking shall be located in visible, well-illuminated areas that do not impede or conflict with automobile, pedestrian, or bicycle traffic.
3. **Short-term bicycle racks** shall comply with the following:
  - A. Short-term racks shall include inverted “U” bicycle racks and circular bicycle racks or acceptable variations as determined by the Zoning Administrator with recommendation from the Director of Public Works.

- B. Bicycle racks that are located parallel to each other shall be at least three (3) feet apart and shall allow bicycles to be locked on both sides without conflict.
  - C. Bicycle racks that are located in a linear configuration shall be at least five (5) feet apart.
  - D. Bicycle racks shall be securely anchored and shall be easily usable with u-locks and cables.
  - E. Bicycle racks shall be spaced at least two (2) feet from walls, curbs, pavement edges, or other structures.
4. **Long-term bicycle racks** shall comply with the following:
- A. Long-term bicycle racks, which are intended for overnight parking, and longer, shall be covered and weather resistant.
  - B. Long-term bicycle racks may include, but are not limited to, covered bicycle racks that meet the standards of short-term bicycle racks; or bicycle lockers or bicycle racks that meet the standards of short-term bicycle racks and are located within a parking structure or other enclosed structure.
  - C. Bicycle lockers shall be anchored in place and have an opening clearance of at least five (5) feet.
  - D. Long-term bicycle racks must be located no more than one-hundred (100) feet from the building entrance that the bicycle rack is intended to serve.

## **DIVISION 6. REFUSE AREAS, MECHANICAL EQUIPMENT, AND UTILITIES**

### **Section 18-584 Refuse Disposal**

- 1. If dumpsters are used for refuse disposal, then each dumpster shall be located on a concrete pad with minimum dimensions of twenty (20) feet by twelve (12) feet and shall be enclosed by adequate walls or opaque fencing of a minimum of one (1) foot taller than the container, and no taller than eight (8) feet.
- 2. No enclosure may be located in any required front yard, street side yard, required parking area, required landscaping area, or any other area required by law to be maintained.
- 3. The enclosure may consist of a solid wood fence, masonry (non-CMU) walls, or combination thereof.
- 4. Said areas shall protect refuse from dispersal by wind or other cause, must be kept free of litter and refuse overflow, and shall be well drained.
- 5. Refuse disposal areas shall be located such that access is unobstructed and the areas are fully accessible to collection equipment, to public health inspection, and to fire inspection personnel without impeding traffic or encroaching upon required parking spaces.
- 6. Reference **Chapter 13A** for additional requirements for refuse storage and collection.

### **Section 18-585 Mechanical and Utility Equipment**

1. All rooftop equipment (such as air handling units, exhaust fans, and other mechanical systems and equipment) shall be placed as close to the middle of the roof as possible, to maximize the likelihood that the equipment will not be visible from the right-of-way or from adjacent properties.
2. All rooftop equipment on any building shall be fully screened from view from the right-of-way and adjacent properties by use of screening material that is consistent with the material found on the building façade.
3. Mechanical equipment located on the ground should be screened, whenever possible, with fencing, walls, mural wraps, and/or landscaping.

### **Section 18-586 Underground Utility Services**

1. All utility 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 the ordinance from which this section is derived, be placed below the surface of the ground; provided that:
  - A. Equipment such as electric distribution transformers, switchgear, meter pedestals, and telephone pedestals, which are normally installed above ground in accordance with accepted utility practices for underground distribution systems, may be installed; and
  - B. Meters, service connections, and similar equipment normally attached to the outside wall of the premises it serves may continue to be installed.
2. Existing overhead utility services to any building, accessory building, or structure erected prior to the effective date of the ordinance from which this section is derived may remain overhead when repaired, replaced, or increased in capacity.
3. All improvements herein required shall be constructed in accordance with accepted standards of utility practice for underground construction.
4. 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.

## **DIVISION 7. SIGNS**

### **Section 18-587 Purpose and Intent**

1. The intent of this division is to control all signs within the Town, to ensure that they are appropriate for their respective principal uses and in keeping with the appearance of the affected property and surrounding environment, and to protect the public health, safety, morals and general welfare. In addition, the intent of this article is to:
  - A. Encourage good design in the context of the overall image and visual environment of the Town;
  - B. Protect property values; enhance the appearance of the business and industrial community;
  - C. Stimulate the economic vitality of the Town, encourage a business atmosphere that continues to attract new enterprises to the Town, encourage trade within the Town, and to appropriately inform consumers;
  - D. Ensure that signs are adequate, but not excessive;
  - E. Prohibit the erection of signs in such numbers, sizes, designs and locations as may create danger to the public by obscuring road signs or by unsafely diverting the attention of motorists;
  - F. Prohibit signs which are likely to create unsafe conditions because of unsound structures or unsuitable locations;
  - G. Avoid excessive competition for placement of signs, so that permitted signs provide identification, direction, information and advertising while minimizing clutter and unsightliness.
2. The general premise for the control of signs includes legibility, the effective display of information, the safety of passing traffic, and the coordination of signs with buildings, landscaping and other elements of the visual environment. In particular, signs should be designed and constructed as follows:
  - A. For maximum legibility, considering viewing, location and traffic conditions.
  - B. For size and dimensions, signs should be related to the frontage and setback of the building.
  - C. The setback and size of signs should give a fair exposure to all commercial buildings in a given area.
  - D. Signs should be integrated with the architecture of the buildings to which they relate, and with the nearby landscaping.

### **Section 18-588 Applicability**

1. This article shall be interpreted in a manner consistent with the First Amendment guarantee of free speech. This article shall allow a noncommercial message to be automatically displayed, whenever a commercial message is allowed to be displayed. If any provision of this article is found by a court of competent jurisdiction to be invalid, such finding shall not affect the validity of other provisions of this article, which can be given effect without the invalid provision.

2. A sign placed on land or on a building for the purpose of identification, protection, or directing persons to a use conducted therein shall be deemed to be an integral but accessory and subordinate part of the principal use of land or building. Therefore, the intent of this article is to establish limitations on signs in order to ensure they are appropriate to the land, building, or use to which they are appurtenant and are adequate for their intended purpose while balancing the individual and community interests.
3. These regulations are intended to promote signs that are compatible with the use of the property to which they are appurtenant, landscape and architecture of surrounding buildings, are legible, are not distracting to motorists, and are constructed and maintained in a structurally sound and attractive condition.
4. This Article does not apply to any sign placed in a public right-of-way and does not authorize or prohibit placement of any sign there.
5. **Exclusions**  
The following are not considered signs per this ordinance. Features not considered signs are excluded from the calculation of sign area.
  - A. Federal, state, and local flags;
  - B. Street address signs;
  - C. All displays less than 1.5 square feet in area.

### **Section 18-589 Sign Area**

#### **1. How to Measure Sign Area and Dimensions**

See [§18-903](#) for information.

#### **2. How to Apply Permitted Sign Area**

- A. Sign area for permanent building-mounted and ground-mounted signage is determined by the length of the building frontage.
- B. All sign types count towards either the ground-mounted sign area or the building-mounted sign area.
- C. No single tenant in a multi-tenant building or site may exceed the sign area of the width of the tenant frontage without approval from the landowner or building manager.

### **Section 18-590 Sign Illumination**

1. Certain sign types may be illuminated as indicated herein. The type of lighting depends on the sign type and on the zone or district in which it is located as set forth herein.
2. No sign shall be illuminated if it is located on a building frontage within fifty (50) feet of a property line adjoining a residentially zoned property or a public alley that separates commercial/industrial districts and residential zones.
3. All external light sources for signage should be shielded and down-facing, and the light shall be so directed that only the face of the sign is illuminated.

4. Sign illumination permitted by zone or district are as follows:

√= Permitted X= NOT PERMITTED

ZONE OR DISTRICT	GROUND MOUNTED SIGNS			BUILDING MOUNTED SIGNS		
	External	External Shadow	Internal	External	External Shadow	Internal
AC, AE, AW, GS, CP, M, NM	√	√	√	√	√	√
CS	√	√	X	√	√	√
CS-0	√	X	X	√	X	X
RS-10, RS-12.5, RS-16	√	X	X	√	√	X
RMU, PR	√	X	X	√	X	X
T	√	√	X	X	X	X



EXTERNAL



INTERNAL



SHADOW LIGHTING

Figure 5B.10. Sign illumination examples.

**Section 18-591 Sign Setbacks**

1. All ground-mounted sign structures must be set back from the right-of-way a distance that is at least equal to the sign height.
2. Signs must meet the height restrictions of §18-563 Sight Triangle.

**Section 18-592 Certificate of Approval Required**

1. All permanent sign types are required to be reviewed by the Board of Architectural Review and shall not be permitted or constructed until the Board of Architectural Review issues a Certificate of Approval. See §18-821 for review procedure.
2. Signs exempted from review by the Board of Architectural Review:
  - A. Signs that meet the requirements of a Master Sign Plan that has previously been approved by the Board of Architectural Review, and
  - B. Temporary signs, as described in §18-596.

### **Section 18-593 Prohibited Signs**

The following signs are prohibited in all zones and districts.

1. Signs and/or sign structures that are erected on any property without the express written permission of the property owner or their authorized agent(s).
2. Signs that are a public nuisance for, without limitation, reasons of amplified sound, smoke, vapor, particle emission or objectionable odors.
3. Moving or rotating signs, flags, pennants, streamers, balloons, or similar devices that involve motion or rotation of any part or display.
4. Signs with electronic messages; changeable copy; changing color(s); flashing, blinking, or oscillating effects; that imitate movement through lighting effects; or that use video display of any kind. Exception: As expressly permitted herein or for fuel station pricing signs in which prices are displayed continuously, with occasional changes.
5. Any exposed-tubing lighting arrangement, except that:
  - A. Signs of more than 1.5 square feet in total area and consisting of exposed tubing that were in existence as of August 19, 1991, may continue in operation only so long as they remain in good operating condition and provided that they are not replaced or altered in any manner whatsoever. For the purposes of this section, the term “replaced” shall mean the removal of an existing lighting arrangement and its substitution with any other type as defined herein; and the term “altered” shall mean the process of changing, enlarging, extending, or reducing the existing lighting arrangement.
  - B. Any business establishment may have one or more signs with exposed-tubing lighting if the total area does not exceed 1.5 square feet, with the condition that the sign is not moving or blinking.
6. Portable signs. Signs located on trailers, wheels, or affixed to a vehicle intended for advertising. Exception: Business-related vehicles parked on-site with valid tags and registration.
7. Signs that contain words, pictures, or statements that are obscene.
8. Signs placed in the right-of-way without the expressed consent of the Town. See Town Code Section [§10-28.1](#).
9. Signs of any type shall not be erected upon the roof of any building, except on the sides of a mansard-type roof.

### **Section 18-594 Removal of Unsafe, Unlawful, or Abandoned Signs**

1. Signs must be covered or removed once a property is abandoned or once the use for which a sign has been created and installed is no longer occupying the relevant site. See Article 9 [§18-855.6](#).
2. All signs and sign structures shall be maintained in good repair and in a safe and secure condition. A sign or sign structure found by the zoning administrator or their designee to be unsafe or insecure may be deemed a public nuisance, subject to the removal provisions of this Chapter.

3. All signs and sign structures shall be kept in a neat, clean and presentable condition, such that each sign information item is clearly legible. A sign found by the zoning administrator or their designee to show clear evidence of deterioration, including rust, faded colors, discoloration, holes and missing parts or information items, may be deemed a public nuisance, subject to the removal provisions of this Chapter.

**Section 18-595 Sign Standards - Permanent Signs**

1. Permanent signage is permitted for public, institutional, and community uses in all zoning districts.

**2. Ground mounted signs**

- A. Total maximum aggregate sign area permitted for ground mounted signs for all public, institutional, and community uses in all zones and districts are as follows:

	<b>RS-10, RS-12.5, RS-16</b>	<b>RMU, T, CS-O, PR, PC</b>	<b>AC,AC-O, CS, M</b>	<b>AE, AW, GS</b>	<b>CP</b>
<b>All Sites &amp; Structures</b>	36 sq. ft.	24 sq. ft.	-	-	150 sq. ft.
<b>Sites with Primary Site Frontage of:</b>					
124 linear ft. or less			24 sq. ft.	36 sq. ft.	
125 to 249 linear ft.			36 sq. ft.	48 sq. ft.	
250 linear ft. or more			48 sq. ft.	60 sq. ft.	

- B. Maximum height of ground mounted signs for all public, institutional, and community uses in all zone or districts are as follows:

	<b>RS-10, RS-12.5, RS-16</b>	<b>RMU, T, CS-O, PR, PC</b>	<b>AC,AC-O, CS, M</b>	<b>AE, AW, GS</b>	<b>CP</b>
<b>All Sites &amp; Structures</b>	4 ft.	4 ft.	10 ft.	10 ft.	10 ft.

C. Number of Ground Mounted Signs Permitted by Type in all zones and districts:

i. Properties located in AC, AC-O, AE, AW, CS, GS:

Primary Frontage of Site	Monument	Secondary	Freestanding Hanging
124 linear ft. or less	1 per site	* No count limit	2 per site
125 linear ft. or more	2 per site	* No count limit	3 per site

ii. Properties located in other zones and districts:

Zone or District	Monument	Secondary	Freestanding Hanging
RS-10, RS-12.5, RS-16, PR, PC	1 per frontage	* No count limit	1 per entrance
RMU	* No count limit	* No count limit	1 per entrance
CS-O	* No count limit	* No count limit	* No count limit
T	1 per entrance	* No count limit	3 per site
M	1 per entrance plus 1 per trail frontage	* No count limit	1 per site plus 1 per trail frontage
CP	1 per entrance	* No count limit	Not permitted

3. Building mounted signs

A. Total maximum aggregate sign area permitted for building mounted signs for all public, institutional, and community uses in all zones and districts are as follows:

Zone or District	Total Sign Area Permitted
AC, AC-O, AE, AW, CS, CS-O, GS, M, NM	2 sq. ft. per linear foot of building frontage at ground level
T	5 sq. ft. per tenant max
RS-10, RS-12.5, RS-16, RMU, PR, PC	24 sq. ft. max.
CP	500 sq. ft. max.

**B. Number of Building Mounted Signs Permitted by Type in all zones and districts:**

**i. Properties located in AC, AC-O, AE, AW, CS, GS:**

<b>Primary Frontage of Site</b>	<b>Wall; Wall, Minor; Awning</b>	<b>Projecting</b>	<b>Projecting, Minor</b>	<b>Window</b>	<b>Canopy</b>
124 linear ft. or less	* No count limit	1 per structure	1 per building frontage max.	1 per window frame max. at ground level	2 per canopy max.
125 linear ft. or more	* No count limit	1 per building frontage max.	1 per building tenant max., located on ground level only	1 per window frame max. at ground level	2 per canopy max.

**ii. Properties located in other zones and districts:**

	<b>RS-10, RS-12.5, RS-16, PR</b>	<b>RMU</b>	<b>CS-O</b>	<b>T</b>	<b>M</b>	<b>CP</b>
<b>Wall</b>	1 per building max	*No count limit	*No count limit	1 per tenant max.	*No count limit	*No count limit
<b>Wall, Minor</b>	*No count limit					
<b>Projecting, Minor</b>	*No count limit	1 per building frontage max.	1 per tenant max.	1 per tenant max.	1 per tenant max.	*No count limit
<b>Window</b>	Not permitted	Not permitted	1 per tenant max.	Not permitted	1 per window max.	Not permitted
<b>Awning</b>	1 per building frontage max.	1 per building frontage max.	1 per tenant max.	*No count limit	*No count limit	*No count limit
<b>Canopy</b>	1 per canopy max.	Not permitted	1 per canopy max.	1 per canopy max	2 per canopy max.	*No count limit

**C. Other Building-mounted Sign Regulations**

- i. No building-mounted signs are permitted in the Parks & Conservation (PC) zone.
- ii. Scoreboards and other features of sports fields displaying images and information related to the use of the field are not subject to the height or size restrictions of the Parks & Recreation (PR) zoning district. Any portion of the sign dedicated to sponsorship or other advertising must be incidental to the scoreboard use of the structure.

**Section 18-596 Sign Standards - Temporary Signs**

- 1. Temporary signs are permitted for public, institutional, and community uses in all zoning districts.

<b>STANDARDS FOR TEMPORARY WINDOW SIGNS</b>			
<b>Type of Sign</b>	<b>Sign Area</b>	<b>Number of Signs Permitted</b>	<b>Maximum Duration of Display</b>
Window signs	25% max. of total area of single window	1 sign per window	60 days
A-Frame signs	12 sq. ft. max. for any single sign	1 sign per tenant	Unlimited
Banners & yard signs	25 sq. ft. max. for any single sign	50 sq. ft. max. cumulative sign area	60 days
Non-commercial signs (construction, for sale, rent, or lease)	32 sq. ft. max. total sign area	1 sign per frontage max.	During duration of construction, sale, rent or lease

**2. Other Regulations for Temporary Signage**

- A. Temporary signs must be constructed of durable weather resistant materials.
- B. Moving or unsecured signs are prohibited.
- C. Banners and non-rigid signage must be affixed to a building or frame so that they shall not move with the wind or function as a flag.
- D. Non-commercial signs (construction, for sale, rent, or lease) shall not exceed five (5) feet in height.
- E. Temporary yard signs shall not exceed four (4) feet in height.
- F. Damaged, faded, or torn temporary signs must be removed.
- G. Signs must not block pedestrian access ways.
- H. All temporary signs must be located on private property, and may only be posted with the permission of the property owner.
- I. Unauthorized signs are to be removed by the property owner or tenant.

**3. Temporary Sign Types**

**A. A-Frame**

- i. All signs must be clear of pedestrian pathways on private property.
- ii. A-Frame signs are to be displayed only during a business’s operating hours.
- iii. A-Frame signs may not be placed in the right-of-way.

**B. Banner**

Banners must be affixed to a flat surface such as a building, railing or a solid frame to remain static.

**C. Window**

- i. Window signs must be affixed to the interior of windows.
- ii. Damaged or faded window signs must be removed.

**D. Yard**

Yard signs must be constructed of durable, weather resistant materials.

# ARTICLE 6. SUBDIVISION, LOT LINE ADJUSTMENT, AND LOT CONSOLIDATION

# 6

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## DIVISION 1. SUMMARY AND PURPOSE OF ARTICLE

### Section 18-601 Purpose

This Article states the administration of processes related to the creation of subdivisions, lot line adjustments, and lot consolidations within the Town of Vienna. The purposes of this article are to:

- A. Establish standards and procedures for the orderly division, subdivision, resubdivision, and consolidation of lots, tracts, and parcels of land in the Town of Vienna.
- B. Implement the standards of this Chapter.
- C. Assure that lots, tracts, and parcels of land are suitable for the intended use.
- D. Assure that improvements required by this Chapter will be designed, constructed, and maintained so as not to become an undue burden on the community.

### Section 18-602 Applicability

Any lot modification, as defined in [Article 9 Definitions](#) and further described within this Article, that is situated wholly or partly within the Town must comply with both the requirements of this Article and the other applicable requirements of this Chapter.

### Section 18-603 Platting Required

No tract of land situated within the Town of Vienna shall be subdivided or otherwise modified unless the subdivider or modifier shall cause a plat of all lots to be made, submitted, and approved pursuant to the terms of this Article and recorded among the land records in the office of the clerk of the circuit court.

### Section 18-604 Authority

This Article was adopted pursuant to the terms and provisions of the Code of Virginia, [§ 15.2-2240](#) ET seq.

## DIVISION 2. ADMINISTRATIVE OFFICIALS, BOARDS AND COMMISSIONS

### Section 18-605 Administrative Officials

1. The administrative officials responsible for the review of subdivision plats are referenced in [Article 8](#) of this Chapter.
2. Whenever a provision appears requiring an Administrative Town official to perform an act or duty, that provision authorizes the specified Town official to delegate that responsibility to other Town employees.
3. No agent of the Town shall have the authority to authorize any departure or waiver from the application of this Chapter unless there is specific authorization to do so within the Code.

### Section 18-606 Board and Commissions

1. **Authority of Boards and Commissions.** Establishment and authority of the Boards and Commissions authorized to review and approve lot modifications is found within [Article 8](#) of this Chapter.
2. **Planning Commission Authority.** The Planning Commission shall consider proposed plats for subdivisions, lot line and boundary adjustments as described within this Article and refer the plat to Town Council with comments in writing, giving with the latter specific reasons therefor, and shall exercise all other powers conferred upon it by the Code of Virginia.
3. **Town Council Authority.** The Town Council shall consider proposed plats, pursuant to the recommendation of the Planning Commission, and approve or disapprove the plat in writing, giving with the latter specific reasons therefor, and shall exercise all other powers conferred upon it by the Code of Virginia to assure the orderly subdivision of land and to implement the comprehensive plan of the Town.

## DIVISION 3. TYPES OF LOT MODIFICATIONS

### Section 18-607 Subdivision

1. A subdivision includes:
  - A. the division of a parcel of land into two or more lots or parcels, each for the purpose, whether immediate or future, of transfer of ownership or building development.
  - B. the division of a parcel of land, regardless of the size of the parcels, where a new street is involved.
  - 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.
2. The term includes resubdivision and, when appropriate to the context, shall relate to the process of subdividing or to the land subdivided.

### Section 18-608 Lot Line Adjustment

A lot line adjustment is permitted between two or more adjacent lots where:

1. No additional lots are created,
2. The potential to create additional lots remains unaltered; and
3. Existing or platted streets, rights-of-way, public easements, and public improvements are unaffected

### **Section 18-609 Lot Consolidation**

A lot consolidation shall be a plat that removes one or more existing lot lines, the effect of which is to eliminate one or more lots by combining them into a single larger parcel.

## **DIVISION 4. APPLICATIONS GENERALLY**

### **Section 18-610 Authority to File Applications**

Unless expressly stated otherwise in this Article, all applications for lot modifications under this Chapter must be submitted by:

1. The owner of the land proposed to be subdivided;
2. A person authorized to submit the application on behalf of the owner (an “authorized representative”), as evidenced by a power of attorney, a letter, or other document signed by the owner; or
3. If there are multiple owners, contract purchasers, or other persons authorized to submit an application, all such persons or their authorized representatives, who must sign the application or a letter or document granting their consent to the application.

### **Section 18-611 Application Requirements**

1. Requirements for applications will be set forth by the Director of Planning and Zoning and Director of Public Works, consistent with the requirements of this Chapter and State law in the submission requirements checklist.
2. The applicant bears the burden of ensuring that an application contains sufficient information to demonstrate compliance with all applicable standards.

### **Section 18-612 Compliance with Zoning Code and Proffered Conditions**

No platted lot modification shall be approved unless all lots shown thereon comply with all applicable requirements of this Chapter, including conditions properly proffered and accepted as part of a rezoning involving any land that is included in the proposed subdivision.

### **Section 18-613 Recordation**

1. No plat of subdivision shall be recorded unless or until the plan and plat shall have been submitted to, approved by, and certified by the administrative official and the Town Council in accordance with the regulations set forth in this chapter and [§15.2-2254](#) of the Code of Virginia.
2. No lot shall be sold in any subdivision before the plat shall have been recorded.

### **Section 18-614 Lots Valid and Recorded**

The lots affected by the relocation of a boundary line of a subdivision must have been:

1. Part of an otherwise valid and properly recorded subdivision plat approved pursuant to this chapter or a prior subdivision ordinance of the Town; or

## Article 6. Subdivision, Lot Line Adjustment, and Lot Consolidation

2. Part of a properly recorded deed prior to the adoption of the first subdivision ordinance of the Town that required an approved subdivision plat under the applicable circumstances.

### Section 18-615 Deeds Subject to Approval Prior to Recordation

The deed reflecting a lot consolidation, lot line adjustment or boundary line adjustment shall reference the recorded plat by which the applicable lot lines were originally created, and the Town must approve the deed in writing, on its face.

### Section 18-616 Pending and Prior Applications

For any subdivision application submitted and accepted as complete before the effective date listed in §18-108, but still pending final action as of that date:

1. The project may proceed through the approval process and continue to be reviewed in accordance with the subdivision regulations in effect at the time of the submission and acceptance of the application.
2. An applicant may elect at any stage of the development review process to have the proposed development reviewed under the processes, standards, and requirements of this Chapter in lieu of the processes, standards, and requirements of the subdivision regulations in effect at the time of the submission and acceptance of the application.
3. If the subdivision application is approved, the approval will remain valid for the period specified in the subdivision regulations under which the application was reviewed and approved. Extensions of time available under those subdivision regulations remain available.
4. Once constructed, the project will be subject to the same rules as other conforming or non-conforming uses, structures, and site features under this Chapter.
5. Any violation of the previous subdivision regulations will continue to be a violation under this Chapter unless the subdivision complies with the express terms of this Chapter.

## DIVISION 5. APPLICATION PROCESS

### Section 18-617 Pre-Application Meeting Required

Prior to submitting formal applications for boundary or lot line adjustments, lot consolidation, or subdivisions, all applicants shall submit a conceptual preliminary plan and attend a Pre-Application Meeting in accordance with §18-833 Pre-Application Meeting.

### Section 18-618 Submission Requirements for all Applications

1. **Existing Lot Conditions.** A survey showing the lot boundaries and the location of all existing structures and improvements.
2. **Conceptual Plan for all Proposed Lots.** A conceptual plan that shows how existing and possible future improvements on the resulting lots will meet all zoning requirements and other Town regulations.

3. **Preliminary Plat** . A preliminary plat showing the boundaries of existing relevant lots and all proposed lots that would be created under this application.
4. **Final Plat and Deed**. A final plat and deed, after receiving the Directors' determination that the preliminary plat is complete and compliant with all requirements.
5. **Other Items as Determined by the Directors**. The Director of Planning and Zoning, Director of Public Works, and Director of Parks and Recreation may require additional materials to determine compliance with all requirements.

### Section 18-619 Review Process

1. **Completeness and Compliance**. The Application, Preliminary Plat and the Conceptual Development Plan for a Subdivision are reviewed for completeness and compliance by the Director of Planning and Zoning, the Zoning Administrator, and the Director of Public Works.
2. **Review by Town Attorney**. After the application has been deemed complete and compliant with all required provisions, the Director of Planning and Zoning will transmit the application to the Town Attorney for review. The Town Attorney shall review the application and transmit any comments to the Director of Planning and Zoning.
3. **Transmission to Planning Commission**. Determining that all requirements of this Chapter and all applicable regulations are met, the Director of Planning and Zoning will transmit the application to the Planning Commission for review.
4. **Review by Planning Commission**. At a regular meeting of the Planning Commission, the subdivider shall discuss the preliminary plat with the Planning Commission in order to determine whether the preliminary plat generally conforms to the requirements of the Code. The Planning Commission shall review the application and, in writing, provide a referral of the application, including any proposed modifications or reasons for disapproval, to Town Council.
5. **Transmission to Town Council**. The Director of Planning and Zoning will transmit all materials including the findings of the Planning Commission to Town Council for review.
6. **Final Decision by Town Council**. The final decision is made by Town Council.
  - A. **Time frame for Decision**. The Town Council shall act on any proposed plat within sixty (60) days after it has been officially submitted for approval, by either approving or disapproving the plat in writing and giving with the latter specific reasons therefor.
  - B. **Reasons for disapproval**. Specific reasons for disapproval shall be contained either in a separate document or on the plat itself. The reasons for disapproval shall identify deficiencies in the plat that cause the disapproval by reference to specific duly adopted ordinances, regulations, or policies and shall identify modifications or corrections as will permit approval of the plat.
  - C. **Modifications to Address Disapproval**. The Town Council shall act on any proposed plat that it has previously disapproved within forty-five (45) days after the plat has been modified, corrected and resubmitted for approval. In the review of a resubmitted proposed plat, site plan or plan of development that has been

## Article 6. Subdivision, Lot Line Adjustment, and Lot Consolidation

previously disapproved, the Town Council shall consider only deficiencies it had identified in its review of the initial submission of the plat or plan that have not been corrected in such resubmission and any deficiencies that arise as a result of the corrections made to address deficiencies identified in the initial submission.

7. **Final Plat.** The Final Plat for a Subdivision approved by Town Council is reviewed for completeness and compliance by the Director of Planning and Zoning, the Zoning Administrator, and the Director of Public Works.
8. **Mayor and Town Attorney Signature Required.** The Director of Planning and Zoning will notify the applicant to provide a hard copy of the final plat and deed for signature by the Town Attorney and Mayor.
9. **Recordation.** The final signed plat must be recorded with Fairfax County Circuit Court, and a copy of the recorded plat and deed provided to the Town of Vienna. Documents must show the stamped deed book and page.

### Section 18-620 Approval Criteria

Lot modification and subdivisions may be approved, subject to the following findings:

1. The resulting lots will conform to the zoning requirements of this Chapter and all other applicable local, state and Town of Vienna requirements.
2. No easements or utility rights-of-way located along any lot lines to be vacated may be extinguished or altered without the express consent of all persons holding any interest therein, and such consent shall be evidenced by the signatures of such persons on the deed.
3. The action shall not involve the relocation or alteration of streets or easements for public passage, or other public areas, unless action is taken by the Town Council or another relevant body to enact such change.
4. The action shall not create lot access that is unsafe or detrimental to the existing road system, including right-of-way providing access to pedestrians, because of sight distance, grade, road geometry, proximity to intersections, or other safety concerns.
5. No lot line adjustment shall be approved if it would involve or result in:
  - A. The creation of any additional lot(s), parcels or out lots or any increase in density;
  - B. The relocation or reduction in area or in rights-of-way of any of street, alley, easement for public passage, other public land;
  - C. The relocation or alteration of utility easements, or utility rights-of-way without the express consent of all persons holding any interest in the utility easement or utility right-of-way.
  - D. The creation of, or aggravation of an existing noncompliance with regard to minimum lot area, minimum lot width, or minimum required yards; or
  - E. Any violation or noncompliance with the Town's zoning ordinance.

### Section 18-621 Appeals

If the Town Council or other Administrative Official disapproves a plat and the subdivider contends that the disapproval was not properly based on the ordinance applicable thereto, or was arbitrary or capricious, they may appeal to Fairfax County

Circuit Court and the court shall hear and determine the case as soon as may be, provided that his appeal is filed with the Circuit Court within sixty (60) days of the written disapproval by the Planning Commission or other agent.

### **Section 18-622 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.

### **Section 18-623 Inspection of Construction**

Inspections during and after installation of improvements shall be made by the Director of Public Works to ensure 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. 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.

## **DIVISION 6. DESIGN STANDARDS AND REQUIRED IMPROVEMENTS**

### **Section 18-624 Design Standards**

All lots in proposed subdivisions and modifications to existing lots must meet the design standards outlined in this Article.

### **Section 18-625 Subdivision Name**

1. The naming of a subdivision shall be included with the approval of a preliminary subdivision plan, minor subdivision plat or family subdivision plat.
2. A subdivision name that has already been accepted pursuant to subsection (a) above shall not be used for another subdivision.
3. A change of the name of a subdivision after the approval of the final plat, minor subdivision plat or family subdivision plat shall require a vacation of the plat.

### **Section 18-626 Lot Design**

1. **Lot Area.** All proposed lots shall meet the minimum lot area requirements of [Article 2](#).
2. **Lot Width.** All lot dimensions shall satisfy the requirements in [Article 2](#).
3. Rear and side lot lines shall be substantially at right angles to the front lot line on a public street or radial to curved street lines.
4. **Lot Shape.** No lot shall be created to be irregularly shaped or extended so that it has a "lot shape factor" more than twenty-five (25). Lot shape factor equals the square of the lot perimeter divided by the lot area.
5. **Lot remnants.** No non-conforming remnant of land shall be created as part of a subdivision or boundary line adjustment unless the intended remnant is part of a parallel and approvable application to consolidate the remnant with an adjoining lot to create a conforming lot.

## Article 6. Subdivision, Lot Line Adjustment, and Lot Consolidation

6. **Frontage on Public Street Required.** Each lot shall abut a public street that either already exists or is dedicated by the subdivision plat.
7. **Frontage Permitted on One Street Only.** Interior lots having frontage on two streets shall be prohibited except where unusual conditions make other design options undesirable. The provision may be waived through the approval of both the Zoning Administrator and the Director of Public Works.
8. **Lot Access.** Each lot created as part of a Lot Modification must have access to the public right of way that is compliant with the standards established by the Director of Public Works and all provisions of the Code of Vienna.

### Section 18-627 Street Design

When the subdivider is required to build new public streets as part of the subdivision approval, the subdivider is responsible for the design and construction of all streets in accordance with the Design Standards maintained by the Department of Public Works. All streets are to be painted and marked in accordance with the manual by the subdividers, including crosswalks. The arrangement, character, extent, and location of all streets shall:

1. Conform to the official map and comprehensive plan.
2. Comply with the current standards manual maintained by the Department of Public Works.
3. Be publicly accessible and meet the standards of the Town's public street network.
  - A. Streets within areas of single-unit development, other than driveways accessing private off-street parking, must be public and meet all standards of the Town's public street network.
  - B. Access drives are permitted for sites containing commercial, industrial, multi-unit, and mixed-use development. Access drives must meet the standards within Article 5 - Development Standards - Non-Residential and Multi-Unit Uses.
4. Make provisions for the continuation of the existing streets in adjoining areas and shall in every case provide at least one street which shall connect with, intersect with, or join in a safe and approved manner one or more already existing and paved streets within the Town.
5. If a dead-end street is of a temporary nature, a similar turnaround shall be provided, and provision made for future extension of the street into adjoining properties.
6. Be considered in their relation to topographical conditions, public convenience, and safety and in their appropriate relation to the proposed uses of the land to be served by such streets.
7. Names of new streets shall not duplicate existing or platted street names unless a new street is a continuation of, or in alignment with the existing or platted street.
8. The length of a road that terminates in a cul-de-sac must not exceed 600 feet, measured from the intersection of street centerlines to the end of the cul-de-sac street centerline.

9. Right-of-way must be provided per the street category in accordance with the Town's typical street section in a single-family or two-family residential subdivision for pedestrian access between a cul-de-sac head or street turnaround and the sidewalk system of the closest street or pedestrian path if:
  - A. The cul-de-sac head is within one-quarter mile of significant pedestrian generators or destinations such as schools, parks, trails, greenways, employment centers, mixed use development, retail centers, or similar features; and
  - B. The pedestrian connection can be reasonably achieved and connected to an existing or proposed sidewalk, trail, greenway, or other type of pedestrian connection.

### Section 18-628 Required Improvements

Based on the Lot Modification application, one or more of the following may be required as a condition of approval at no cost to the Town, unless otherwise provided in the Code of Vienna:

1. **Monuments.** Monuments that indicate the location of key boundary points shall be placed at all block corners, angle points, points of curves in streets and at intermediate points, to be approved 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.
2. **Streets, Sidewalks, Curb and Gutter.** All required roadways shall be developed in accordance with standards and specifications by the Director of Public Works per the road category shown on the Town's Official Map along all lot lines of all dedicated rights-of-way. Entrance drives shall be paved to the property line of each lot.
3. **Street Name Signs.** Street name signs shall be installed at all street intersections at locations approved by the director of public works.
4. **Street Lighting.** Right-of-Way lighting facilities and light standards shall be approved by the director of public works.
5. **Street Trees and Public Plantings.** Trees and plantings within the right-of-way shall be approved by the Director of Public works and the Director of Parks and Recreation and installed at the cost of the subdivider.
6. **Dedication of Lot Frontage.** The developer of any lot shall dedicate land along the lot frontage for sidewalk, curb, and gutter improvements as shown on the adopted Town Pedestrian Plan and other standards as developed by the Director of Public Works. Dedication of such improvements shall be in accordance with the standards set forth in this Code.
  - A. The developer of any lot that fronts an existing street shall dedicate land, construct a sidewalk and connect such new sidewalk to the existing adjacent sidewalks, if any. Such new sidewalk shall be constructed in accordance with the standards set forth in this Code.
  - B. Upon application by the developer to the Town, the Town Council designates the Director of Public Works to waive in exceptional circumstances, in consultation with the Town Attorney and Town Manager, in his or her discretion, the

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construction of such new sidewalk and permit the deposit of designated funds for such construction.

7. **Water Lines.** The subdivider shall connect with the Town water mains and provide a water connection for each lot within the subdivision.
8. **Sewers.** Sanitary sewer systems shall be connected to the Town sanitary sewer system, and each lot within a subdivision shall be connected to the sanitary sewer system.
9. **Storm Drain.** Adequate provisions shall be made for the control of storm runoff. All storm drainage shall terminate in an approved watercourse. The connecting of any part of the storm drain system to any part of the sanitary sewer system is prohibited.
10. **Fire Hydrants.** Fire hydrants shall be installed in all subdivisions. Fire hydrant standards shall be subject to the approval of the Fairfax County Fire Marshal and the Director of Public Works.
11. **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, the final plat of which is approved subsequent to April 28, 1969, 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.
12. **Stormwater Management (SWM) Facilities of Structures.** Any SWM facility or structure necessary to meet the Town's stormwater management program as stated in [Chapter 23, Article 3](#).
13. **Property Trees and Landscaping.** Subdivision development is governed by the requirements of the zone or district the property is located in (see [Article 2](#)) and the required tree preservation and canopy requirements as shown in [Chapter 17](#).

## DIVISION 7. BONDS

### Section 18-629 Development Bond

Before consideration of a final plat of a subdivision by the Town, the subdivider shall guarantee the completion of the improvements required by means of a bond executed by a surety company based on an estimate approved by the Director of Public Works.

1. **Bond Amount.** The amount of the bond shall be the estimated cost of construction of such improvements plus ten percent for price escalation resulting from normal cost increases between the time of approval and the initiation of construction on a subdivision.

AMENDED 29 JULY 2024

EFFECTIVE 01 JANUARY 2024

Zoning and Subdivision Ordinance

2. **Surety.** The surety will be subject to the condition that the improvements will be completed within thirty-six (36) months after issuance of the Town's Bond Letter, unless such period is extended by the Director of Public Works, 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.
3. **Surety Alternative.** As an alternative, the subdivider may deposit a certified check with and payable to the director of finance in place of the surety bond or a bank or savings and loan association's letter of credit on designated funds satisfactory to the council.
4. **Construction Action.** In the event that construction as indicated on the approved plat is not commenced within six months of approval of the issuance of the Town's Bond Letter, any and all 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 thirty (36) months after the new bond letter issuance. No permit shall be issued for any such construction indicated on such plat until the certified check or bonding requirement is met by the owner.

#### **Section 18-630 Development Maintenance Bond**

The subdivider shall, prior to acceptance by the Town of the bonded required improvements, file a bond in the amount of ten percent of the original installation costs, to cover maintenance and repair arising from defective workmanship or material for a period of two (2) years.

#### **Section 18-631 Use of Escrowed Improvement Funds**

1. Town Council, in its discretion, may use funds escrowed pursuant to provision [§18-629](#), above, and provision 5 of Code of Virginia, [§15.2-2241](#), as amended, for improvements similar to but other than those for which the funds were escrowed, if the Council:
  - A. obtains the written consent of the owner or developer who submitted the escrowed funds;
  - B. finds that the facilities for which funds are escrowed are not immediately required;
  - C. releases the owner or developer from liability for the construction or for the future cost of constructing those improvements for which funds were escrowed; and
  - D. accepts liability for future construction of these improvements.
2. If the Town fails to locate such owner or developer after making a reasonable attempt to do so, the Town may proceed as if such consent has been granted. In addition, the escrowed funds to be used for such other improvement may only come from an escrow that does not exceed a principal amount of \$30,000.00 plus any accrued interest and shall have been escrowed for at least five (5) years.

## **DIVISION 8. CHESAPEAKE BAY RESOURCE PROTECTION AREAS**

### **Section 18-632 Chesapeake Bay Resource Protection Areas**

1. Whenever a parcel being subdivided is in whole or partly located within a resource protection area, the parcel should be subdivided so that no development will occur within the resource protection area.
2. If the subdivision cannot be accomplished without development, such development must be in accordance with applicable provisions of [Article 2, §18-238](#), Chesapeake Bay Preservation Areas Overlay (CB-O), including the use of best management practices for control of non-point source pollution to offset the effects of development within the resource protection area.
3. The design, specifications and calculations of the proposed best management practice shall be submitted with the preliminary plat for review and approval by the director of public works.
4. Binding documentation regarding the construction and maintenance of the proposed best management practice must be submitted in accordance with the standards determined by the Director of Public Works.

# ARTICLE 7. NONCONFORMITIES

# 7

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## DIVISION 1. GENERAL APPLICABILITY

### Section 18-701 Applicability

The regulations of this article govern nonconforming uses, nonconforming structures, and nonconforming lots that came into existence legally but that do not comply with one or more requirements of this Chapter.

### Section 18-702 Purpose and Scope of Regulations

The regulations of this article are intended to:

1. Recognize the interests of property owners in continuing to use their property;
2. Promote reuse and rehabilitation of existing buildings; and
3. Place reasonable limits on the expansion and alteration of nonconformities that have the potential to adversely affect surrounding properties or the community as a whole.

### Section 18-703 Authority to Continue

Any nonconformity that legally existed on the effective date listed in §18-108 or that becomes nonconforming upon the adoption of any amendment to this Chapter may be continued only in accordance with the provisions of this article. Unless otherwise expressly stated, any variation from these standards shall require review and approval as a variance in accordance with the procedures of §18-843.

### Section 18-704 Determination of Nonconforming Status

The burden of establishing that any nonconformity is a legal nonconformity shall, in all cases, be upon the owner of such nonconformity. The burden of proof for establishing the existence of a lawfully nonconforming use, structure, or lot shall not be upon the Town of Vienna or the Zoning Administrator.

### Section 18-705 Nonconformance Caused by Government Action or Dedication

1. Provisions of this article shall not apply to those cases where the requirements of this Chapter pertaining to yard setbacks, minimum lot dimensions, building line restrictions, lot coverage, 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.
2. Provided, however, that the requirements of this Chapter had been or could have been met prior to such government action or dedication.
3. 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.
4. Provided, further, that the nonconformance with the requirements of this Chapter

## Article 7. Nonconformities

pertaining to yard setbacks, minimum lot area, minimum lot dimensions, building line restrictions, lot coverage, 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.

### **Section 18-706 Conversion of Nonconforming Land or Structures to Condominium Uses**

1. Proposed conversion of land or structures to condominiums that are otherwise permitted by law but that do not conform to all applicable zoning site plan and subdivision ordinances of the Town shall require, before conversion, such use permit, variance or modification as may be appropriate under the specific circumstances.
2. Upon demonstration by the applicant, to the reasonable satisfaction of the Town Council or Board of Zoning Appeals as the case may require, that the nonconformities are not likely to be adversely affected by the proposed conversion, such request shall be granted. No action on such requests shall be unreasonably delayed.

## **DIVISION 2. NONCONFORMING USES**

### **Section 18-707 Continuance of Nonconforming Use of Structures**

In accordance with Code of Virginia §15.2-2307, as amended, a nonconforming use of a structure may be continued only so long as the same use that existed at the time of the enactment of the ordinance from which this Chapter is derived, continues, and that such use is not discontinued for more than two (2) years.

### **Section 18-708 Continuance of Nonconforming Use of Land**

The nonconforming use of land may be continued only so long as the same use that existed at the time of the enactment of the ordinance from which this Chapter is derived, or a more restricted use, continues, and that 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.

### **Section 18-709 Change of Nonconforming Use**

No nonconforming use shall be changed to another use, except when the new use conforms to the requirements of this Chapter.

### **Section 18-710 Expansion of Nonconforming Use**

The area occupied by a nonconforming use at the time of the enactment of the ordinance from which this Chapter is derived shall not be enlarged or expanded.

## DIVISION 3. NONCONFORMING STRUCTURES

### Section 18-711 Continuation of Nonconforming Structures

Any nonconforming structure may be continued only so long as such structure is maintained in the same structural condition as it was at the time of the enactment of the ordinance from which this Chapter is derived.

### Section 18-712 Expansion or Reconstruction of Nonconforming Structures

A nonconforming structure shall not be enlarged, extended, reconstructed, or structurally altered in any manner unless such enlargement, extension, reconstruction, or structural alteration does not result in an increase in nonconformance, or unless granted a variance.

### Section 18-713 Repairs to Nonconforming Buildings

Repairs may be made to a nonconforming structure, provided that no structural alteration shall be made except as may be required by law or ordinance.

### Section 18-714 Restoration of Nonconforming Structures Damaged or Partially Destroyed

#### 1. Applicable Categories.

- A. For purposes of this section, “act of God” shall include any natural disaster or phenomena including a hurricane, tornado, storm, flood, high water, wind-driven water, tidal wave, earthquake or fire caused by lightning or wildfire.
  - B. For purposes of this section, owners of property damaged by an accidental fire have the same rights to rebuild such property as if it were damaged by an act of God.
  - C. Nothing herein shall be construed to enable the property owner to commit an arson under Code of Virginia §18.2-77 or §18.2-80, and obtain vested rights under this section.
2. The owner of any residential or commercial building damaged or destroyed by a natural disaster or other act of God up to fifty (50) percent shall be permitted to repair, rebuild, or replace such building to eliminate or reduce the nonconforming features to the extent possible, without the need to obtain a variance as provided in the Code of Virginia §15.2-2310.
  3. If a building is damaged by a natural disaster or other act of God greater than fifty (50) percent and cannot be repaired, rebuilt, or replaced except to restore it to its original nonconforming condition, the owner shall have the right to do so without the need to obtain a variance as provided in the Code of Virginia § 15.2-2310.
  4. The owner shall apply for a building permit and any work done to repair, rebuild or replace such building shall be in compliance with the provisions of the Uniform Statewide Building Code (Section 36-97 et seq.) and any work done to repair, rebuild, or replace such building shall be in compliance with the provisions of applicable

## Article 7. Nonconformities

flood plain regulations adopted as a condition of participation in the National Flood Insurance Program.

5. Unless such building is repaired, rebuilt or replaced within two (2) years of the date of the natural disaster or other act of God, such building shall only be repaired, rebuilt, or replaced in accordance with the provisions of this Chapter.
6. If the nonconforming building is in an area under a federal disaster declaration and the building has been damaged or destroyed as a direct result of conditions that gave rise to the declaration, then an additional two (2) years shall be permitted for the building to be repaired, rebuilt or replaced as otherwise provided in this Section.

### **Section 18-715 Moving of Nonconforming Structures**

No nonconforming structure shall be moved in whole or in part to any other location on the lot or to another lot unless every portion of such structure is made to conform to all of the regulations of the destination's zone.

## **DIVISION 4. NONCONFORMING LOTS**

### **Section 18-716 Continuation of Nonconforming Lots**

A lot of official record approved by the Town before the effective date of this Chapter (See §18-108) that does not conform to the lot dimensions required by this Chapter may be developed and used as long as the use of the lot and any structure placed within such lot are in conformance with all requirements set forth in this Chapter.

### **Section 18-717 Substandard Lots**

1. Any lot of official record as of April (or December 17) 1956, or any lot of a subdivision approved by the Town from April (or December 17) 1956, to the effective date of the ordinance from which this division is derived, the lot size is less than 10,000 square feet, may be used for a single-unit dwelling, provided:
  - A. It is in an R district; and
  - B. It cannot reasonably be combined with other property to meet the minimum lot size requirements. Contiguous substandard lots shall be considered combined for the purposes of administering all zoning regulations as of the effective date of this Chapter (See §18-108), if one home straddled or touched the contiguous lots as of that date, and that home used both substandard lots for setback purposes.
2. If the requirements of subsection 1.A. and B. of this section are met, then:
  - A. A substandard lot's side yard may be reduced to not less than twenty (20) percent of the lot width, but not to less than seven and a half (7½) feet in any case.
  - B. A substandard lot's rear yard may be reduced to not less than thirty (30) percent of the lot depth but not less than twenty (20) feet in any case.

# ARTICLE 8. ADMINISTRATION, PROCEDURES, AND ENFORCEMENT

# 8

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**Section 18-801 Purpose**

This article outlines the administration of this Chapter and sets forth procedures for the submittal and review of applications that are regulated under this Chapter.

**DIVISION 1. ADMINISTRATIVE AND DECISION-MAKING AUTHORITIES**

**Section 18-802 Summary of Review and Decision-Making Authorities Tables**

1. The following two tables in §18-804 and §18-805 summarize the review, decision, and appeal authorities for each type of application or review process. §18-804 identifies the authorities for Residential projects and §18-805 identifies the authorities for Non-Residential and Mixed-Use projects.
2. Processes related to subdivisions and lot boundary adjustments are outlined in Article 6.
3. Multiple processes may be required, refer to detailed process descriptions in Division 4 - Applications and Processes for more information.

**Section 18-803 Abbreviations Used in Review and Decision-Making Authorities Tables**

The abbreviations in this section apply to the tables in §18-804 and §18-805. Each cell is located at the intersection of a row and a column, which are referenced in each subsection below.

**1. R - Review**

A "R" in a table cell indicates that the Authority in that column has a Review role in the process for the Application in that row.

**2. D - Decision**

A "D" in a table cell indicates that the Authority in that column has a Decision-Making role in the process for the Application in that row.

**3. A - Appeal**

An "A" in a table cell indicates that the Authority in that column has the ability to hear Appeals of a Decision for the Application in that row.

**4. PH - Public Hearing**

A "PH" in a table cell indicates that the Authority in that column is required to hold a Public Hearing as part of the review process for the Application in that row.

**5. "-"**

An "-" in a table cell indicates that the Authority in that column is not part of the Review or Decision-Making process for the Application in that row.

**6. "✓"**

A "✓" in a table cell indicates that the Application in that row requires the process step identified in that column, either Pre-Application Meeting, see §18-833, or Public Notification, See Division 5 .

**Section 18-804 Review and Decision-Making Authorities for Residential Applications**

Application/Review Process Type	REVIEW & DECISION-MAKING AUTHORITIES														Application Reference
	Pre-Application Meeting	Public Notification	Dir of Planning & Zoning	Dir of Public Works	Dir of Parks & Recreation	Zoning Administrator	Town Attorney	Fairfax County	Brd of Architectural Rev	Windover Hts Brd of Rev	Planning Commission	Brd of Zoning Appeals	Town Council	Fairfax Co. Circuit Court	
<b>✓ = REQUIRED / R = REVIEW / D = DECISION / A = APPEAL / PH = PUBLIC HEARING</b>															
Appeals of Zoning Administrator Decision	-	-	-	-	-	R	-	-	-	-	-	D PH	-	A	§18-820
Board of Architectural Review Certificate of Approval (Duplex, Townhouse & Multi-Unit only)	-	-	R	-	-	R	-	-	D	-	-	-	A	-	§18-821
Building Permit	-	-	R	R	-	R	-	D	-	-	-	-	-	-	§18-822
Certificate of Occupancy	-	-	R	R	R	D	-	-	-	-	-	A	-	-	§18-823
Conditional Use Permit	✓	✓	R	-	-	R	-	-	-	-	R	D PH	-	A	§18-824
Condominium Conversion	-	-	R	-	-	R	R	R	-	-	-	-	-	-	§18-825
Driveway Permit	-	-	R	R	-	D	-	-	-	-	-	A	-	-	§18-826
Family Day Home Permit	-	-	R	-	-	D	-	-	-	-	-	A	-	-	§18-827
Fence Permit	-	-	R	-	-	D	-	-	-	-	-	A	-	-	§18-828
Home- Based Business Permit	-	-	R	-	-	D	-	-	-	-	-	A	-	-	§18-829
Modification of Requirements (Duplex, Townhouse & Multi-Unit only)	✓	✓	R	R	R	R	-	R	-	-	R	-	D	-	§18-830
Patio/Sports Court Permit	-	-	R	R	-	D	-	-	-	-	-	A	-	-	§18-832
Proffer Amendment	✓	✓	R	R	R	R	R	-	-	-	R PH	-	D PH	-	§18-834

**Section 18-804 Review and Decision-Making Authorities for Residential Applications (CONT.)**

Application/Review Process Type	REVIEW & DECISION-MAKING AUTHORITIES														Application Reference
	Pre-Application Meeting	Public Notification	Dir of Planning & Zoning	Dir of Public Works	Dir of Parks & Recreation	Zoning Administrator	Town Attorney	Fairfax County	Brd of Architectural Rev	Windover Hts Brd of Rev	Planning Commission	Brd of Zoning Appeals	Town Council	Fairfax Co. Circuit Court	
<b>✓ = REQUIRED / R = REVIEW / D = DECISION / A = APPEAL / PH = PUBLIC HEARING</b>															
Rezoning, Text, and Map Amendments	✓	✓	R	R	R	R	-	-	-	-	R PH	-	D PH	-	§18-835
Site Plan, Infill Lot Plan and Lot Grading Plan	-	-	R	R	R	D	-	-	-	-	-	A	-	-	§18-836.10
Subdivision, Lot Line, and Boundary Adjustment	✓	✓	R	R	R	R	R	-	-	-	R	-	D	D	Article 6
Temporary Use Permit	-	-	R	R	-	D	-	-	-	-	-	A	-	-	§18-838
Trailer, Temporary Residential	-	-	R	-	-	R	-	-	-	-	-	-	D	-	§18-839
Windover Heights Certificate of Appropriateness	-	✓	R	-	-	-	-	-	-	D	-	-	A	-	§18-840
Zoning Administrator Interpretation/Determination	-	-	-	-	-	D	-	-	-	-	-	A	-	-	§18-841
Zoning Map Interpretation	✓	✓	R	-	-	R	-	-	-	-	-	D PH	-	A	§18-842
Zoning Variance	✓	✓	R	-	-	R	-	-	-	-	-	D PH	-	A	§18-843

**Section 18-805 Review and Decision-Making Authorities for *Non-Residential and Mixed-Use Applications***

Application/Review Process Type	REVIEW & DECISION-MAKING AUTHORITIES		REVIEW & DECISION-MAKING AUTHORITIES												Application Reference
	Pre-Application Meeting	Public Notification	Dir of Planning & Zoning	Dir of Public Works	Dir of Parks & Recreation	Zoning Administrator	Town Attorney	Fairfax County	Brd of Architectural Rev	Windover Hts Brd of Rev	Planning Commission	Brd of Zoning Appeals	Town Council	Fairfax Co. Circuit Court	
<b>✓ = REQUIRED / R = REVIEW / D = DECISION / A = APPEAL / PH = PUBLIC HEARING</b>															
Appeals of Zoning Administrator Decision	-	-	-	-	-	R	-	-	-	-	-	D PH	-	A	§18-820
Board of Architectural Review Certificate of Approval	-	-	R	-	-	R	-	-	D	-	-	-	A	-	§18-821
Building Permit	-	-	R	R	-	R	-	D	-	-	-	-	-	-	§18-822
Certificate of Occupancy	-	-	R	R	R	D	-	-	-	-	-	A	-	-	§18-823
Conditional Use Permit	✓	✓	R	-	-	R	-	-	-	-	R	D PH	-	A	§18-824
Fence Permit	-	-	R	-	-	D	-	-	-	-	-	A	-	-	§18-828
Modification of Requirements	✓	✓	R	R	R	R	-	-	-	-	R	-	D	-	§18-830
Outdoor Dining, 12 Seats or Fewer	-	-	R	-	-	D	-	-	-	-	-	A	-	-	§18-831
Outdoor Dining, More than 12 Seats	-	-	R	-	-	D	-	-	-	-	R	D PH	-	A	§18-831
Outdoor Dining, Seasonal	-	-	R	-	-	D	-	-	-	-	-	A	-	-	§18-831
Proffer Amendment	✓	✓	R	R	R	R	R	-	-	-	R PH	-	D PH	-	§18-834
Rezoning, Text, and Map Amendments	✓	✓	R	R	R	R	-	-	-	-	R PH	-	D PH	-	§18-835
Site Plan, Minor	✓	-	R	R	R	D	-	-	-	-	-	A	-	-	§18-836.4
Site Plan, Major	✓	-	R	R	R	D	-	-	-	-	-	A	-	-	§18-836.5

**Section 18-805 Review and Decision-Making Authorities for *Non-Residential and Mixed-Use Applications* (CONTINUED)**

Application/Review Process Type	REVIEW & DECISION-MAKING AUTHORITIES														Application Reference
	Pre-Application Meeting	Public Notification	Dir of Planning & Zoning	Dir of Public Works	Dir of Parks & Recreation	Zoning Administrator	Town Attorney	Fairfax County	Brd of Architectural Rev	Windover Hts Brd of Rev	Planning Commission	Brd of Zoning Appeals	Town Council	Fairfax Co. Circuit Court	
<b>✓ = REQUIRED / R = REVIEW / D = DECISION / A = APPEAL / PH = PUBLIC HEARING</b>															
Site Plan, Avenue Center Amenity Overlay	✓	-	R	R	R	R	-	-	-	-	-	-	D	-	§18-836.6
Site Plan, Church Street Vision	✓	✓	R	R	R	R	-	-	-	-	-	-	D	-	§18-836.7
Site Plan, Corporate Park	✓	✓	R	R	R	R	-	-	-	-	R	-	D	-	§18-836.8
Site Plan, Parks Zones	-	✓	R	R	R	R	-	-	-	-	R PH	-	D PH	-	§18-836.9
Subdivision, Lot Line, and Boundary Adjustment	✓	✓	R	R	R	R	R	-	-	-	R	-	D	D	Article 6
Temporary Use Permit	-	-	R	R	-	D	-	-	-	-	-	A	-	-	§18-838
Trailers, Public Use	-	-	R	-	-	R	-	-	-	-	-	-	D	-	§18-839
Zoning Administrator Interpretation/Determination	-	-	-	-	-	D	-	-	-	-	-	A	-	-	§18-841
Zoning Map Interpretation	✓	✓	R	-	-	R	-	-	-	-	-	D PH	-	A	§18-842
Zoning Variance	✓	✓	R	-	-	R	-	-	-	-	-	D PH	-	A	§18-843

## DIVISION 2. ADMINISTRATIVE OFFICIALS

### Section 18-806 Director of Planning and Zoning

- 1. Designation.** The Director of Planning and Zoning, as appointed by the Town Manager, shall administer and enforce provisions of these zoning regulations as specified herein. In the performance of these duties, the Director of Planning and Zoning may request the assistance of any appropriate officer or agency of the Town. The Director of Planning and Zoning shall oversee and supervise the work of the Zoning Administrator.
- 2. Authority and Powers.** Other duties as set forth in Code of Vienna, Town of Vienna administrative procedures, and as determined by the Town Manager.
- 3. Final Decisions.** The Director of Planning and Zoning has the authority to review and make recommendations on applications regulated in this Chapter but has no final decision authority on any applications.

### Section 18-807 Director of Public Works

- 1. Designation.** The Director of Public Works, as appointed by the Town Manager, shall administer and enforce provisions of these zoning regulations as specified herein. In the performance of their duties, the Director of Public Works may request the assistance of any appropriate officer or agency of the Town.
- 2. Authority and Powers.** Other duties as set forth in Code of Vienna, Town of Vienna administrative procedures, and as determined by the Town Manager.
- 3. Final Decisions.** The Director of Public Works has the authority to review and make recommendations on applications regulated in this Chapter but has no final decision authority on any applications, other than on actions that would affect the public right-of-way. See §18-826.5.C.

### Section 18-808 Director of Parks and Recreation

- 1. Designation.** The Director of Parks and Recreation, as appointed by the Town Manager, shall administer and enforce provisions of these zoning regulations as specified herein. In the performance of their duties, the Director of Parks and Recreation may request the assistance of any appropriate officer or agency of the Town.
- 2. Authority and Powers.** The Director of Parks and Recreation shall have the authority set forth in Code of Vienna, and as determined by the Town Manager.
- 3. Final Decisions.** The Director of Parks and Recreation has the authority to review and make recommendations on applications regulated in this Chapter but has no final decision authority on any applications.

### Section 18-809 Fairfax County (Various Departments)

- 1. Authority and Powers.** The following relevant areas, as well as others, are outside of the authority of the Town of Vienna and are, instead, administered by Fairfax County.
  - A. Building Code.
  - B. Health regulations.
  - C. Fire and Safety regulations.

2. **Appeals.** Fairfax County Circuit Court has the authority to try a full range of cases, including reviewing certain appeals of decisions made by the Town Council and Board of Zoning Appeals regarding Appeals of the Zoning Administrator Decision, Conditional Use Permits, Rezoning, Proffer Amendments, Subdivision Plans, Variances, and Site Plans.

### Section 18-810 Town Attorney

1. **Designation.** The Town Attorney is appointed by the Council per [Chapter 4, § 4.7](#).
2. **Authority and Powers.** The Town Attorney shall have the authority set forth in Code of Vienna [§ 2-9.1](#).
3. **Final Decisions.** The Town Attorney reviews proffers, subdivision plats, and other applications as requested, but has no final decision authority on any applications.

### Section 18-811 Town Manager

1. **Designation.** The Town Manager is appointed by the Council per [Chapter 4, § 4.7](#) of the Town Charter.
2. **Authority and Powers.** The Town Manager shall have the authority set forth by the Town Charter and Code of Vienna [Chapter 5](#).
3. **Final Decisions.** The Town Manager has the authority to approve emergency interim use of trailers for public use, see [§18-839](#).
4. **Appeals.** Appeals of the decisions of the Town Manager are heard by the Town Council.

### Section 18-812 Zoning Administrator

1. **Designation.** The Zoning Administrator, as appointed by the Director of Planning and Zoning with the consent of the Town Manager, shall administer and enforce these zoning regulations, except as otherwise specified. In the performance of these duties, the Zoning Administrator may request the assistance of any appropriate officer or agency of the Town.
2. **Authority and Powers.**
  - A. In accordance with [§15.2-2286](#) of the Code of Virginia, 1950, as amended, the Zoning Administrator shall be responsible for the administration, interpretation, and enforcement of the provisions of this Article, unless otherwise specified. The Zoning Administrator shall perform all required duties and act in accordance with the terms, purposes, intent and spirit of this Chapter.
  - B. The Zoning Administrator shall administer the inspection of premises, the issuance of notices of zoning violations, and the issuance of zoning and occupancy permits.
  - C. No zoning permit or certificate of occupancy shall be issued by the Zoning Administrator unless there is compliance with the provisions of this Code.
  - D. In case any building is erected, constructed, reconstructed, altered, repaired, converted, occupied, or any land is used in violation of this Code, the Zoning Administrator is authorized and directed to institute appropriate action that will bring a remedy to such violation such that compliance is achieved.
3. **Final Decisions.** Except as otherwise specified herein, the Zoning Administrator shall be responsible for final decisions regarding the following:
  - A. Certificates of Occupancy ([§18-823](#))
  - B. Driveway Permits ([§18-826](#))

## Article 8. Administration, Procedures, and Enforcement

- C. Fence Permits ( §18-828)
  - D. Home-Based Business Permits ( §18-829)
  - E. Outdoor Dining Permits ( §18-831)
  - F. Patio and Sports Court Permits ( §18-832)
  - G. Site Plans for Single-Unit Infill and Lot Grading ( §18-836.10)
  - H. Temporary Use Permits ( §18-838)
  - I. Zoning Administrator Determinations ( §18-841)
4. **Appeals.** Per State Code §15.2-2301, as amended, any zoning applicant or any other person who is aggrieved by a decision of the Zoning Administrator made pursuant to the provisions of §15.2-2299 may petition the Board of Zoning Appeals for review of the decision of the Zoning Administrator. See §18-820 for process.

### DIVISION 3. BOARDS, COMMISSIONS, AND TOWN COUNCIL

#### Section 18-813 Boards, Commissions, and Town Council Generally

1. The following appointed and elected authorities have review or approval authority for the processes described in this Article. For each body, the following are provided, when applicable:
  - A. Purpose.
  - B. Powers.
  - C. Establishment.
  - D. Membership.
  - E. Meetings.
  - F. Final Decisions.
  - G. The appeal authority of that body, and the other body that will hear appeals of decisions of that particular body.
2. References for the authority of each body are also provided, if derived from outside of this Chapter, such as from the State of Virginia or other portions of the Code of Vienna.
3. Other provisions and features of each of these bodies may be found in the respective sections of the Code of Vienna where the body was established.

#### Section 18-814 Board of Architectural Review

1. **Purpose.** Per §8-B.3 of the Town Charter, the purpose of the Board of Architectural Review shall be to assure that all buildings, signs, landscaping and other external improvements erected in the designated architectural control districts conform to accepted architectural standards for permanent improvements.
2. **Powers.** In addition to any other duties set forth in the Code of Vienna, the Board of Architectural Review shall have:
  - A. The review and decision-making authority as set forth in Chapter 4 of the Town Code,
  - B. The review and decision-making authority set forth in this Article.
  - C. The role of making recommendations on amendments to the Church Street Vision Incentive Overlay District.

3. **Establishment.** The Board of Architectural Review is established by Code of Vienna §4-3.
4. **Membership.** As defined in Code of Vienna §4.3.
5. **Meetings.** As defined in Code of Vienna §4.4.
6. **Final Decisions.** Except as otherwise specified in Chapter 4 and/or herein, the Board of Architectural Review shall be responsible for final decisions regarding all Board of Architectural Review Certificates of Approval.
7. **Appeals.** The process for appealing a decision of the Board of Architectural Review may be found in §4-12 of the Code of Vienna.

### Section 18-815 Board of Zoning Appeals

1. **Purpose.** The Board of Zoning Appeals hears and decides appeals of any decisions of the Zoning Administrator or a designated representative, grants variances, and grants conditional use permits, and interprets the zoning district map in cases of district boundary uncertainties.
2. **Establishment.** The Board of Zoning Appeals is established by this Article, and by §15.2-2308 of the State Code of Virginia as amended.
3. **Membership.** Board of Zoning Appeals membership is established by this Article, and §15.2-2308 of the State Code of Virginia as amended.
4. **Powers.**
  - A. The Board of Zoning Appeals shall exercise additional powers as may be described elsewhere in this chapter and as permitted by the Code of Virginia.
  - B. The Board of Zoning Appeals shall perform those duties set forth in Article 7, Chapter 22, Title 15.2 of the Code of Virginia, 1950, as amended, and as set forth in this Article 8.
  - C. In addition to its other duties under the Code of Vienna, the Board of Zoning Appeals shall have the review and decision-making authority set forth in this Article 8.
5. **Meetings.** The Board of Zoning Appeals shall publish a schedule of meetings for the year. Special meetings of the Board of Zoning Appeals may be scheduled at the request of the Zoning Administrator and the approval by the Board chairperson.
6. **Final Decisions.**
  - A. Except as otherwise specified herein, the Board of Zoning Appeals shall be responsible for final decisions regarding the following:
    - i. Appeals of Zoning Administrator Decisions ( §18-820)
    - ii. Conditional Use Permits ( §18-824)
    - iii. Zoning Variances ( §18-843)
  - B. The concurring vote of a majority of the membership of the board shall be necessary to reverse any order, requirement, decision or determination of an administrative officer ( §18-820, Appeal of Zoning Administrator Decision) or to decide in favor of the applicant on any matter upon which it is required to pass under the ordinance or to affect any variance from the ordinance ( §18-843, Zoning Variance).
7. **Appeals.** Every action contesting a decision of the Board of Zoning Appeals shall be filed within thirty days of the decision with the Fairfax County Circuit Court per §15.2-2285 of the Code of Virginia, 1950, as amended.

### Section 18-816 Planning Commission

1. **Purpose.** The Planning Commission is a public body established by the Town Council pursuant to §15.2-2210 of the Code of Virginia, 1950, as amended. The Commission's primary role is to serve as an advisory body to the Town Council, to promote the orderly development of the Town and to accomplish the planning, zoning, and land subdivision and development objectives set forth in State law and the Town Code.
2. **Establishment.** The Planning Commission is established pursuant to the provisions of §15.2-2210 of the Code of Virginia, 1950, as amended.
3. **Membership.** The Planning Commission shall consist of not less than five and not more than fifteen residents of the Town, appointed by the Town Council, for a term of two years or to fill the unexpired term of a vacant seat on the commission.
4. **Meetings.** The Planning Commission shall publish a schedule of meetings for the year. Special meetings of the Planning Commission may be scheduled at the request of the Director of Planning and Zoning and the approval by the Commission chairperson.
5. **Powers.** In addition to those powers and duties established for the Planning Commission in §15.2-2210 and §15.2-2217 of the Code of Virginia, 1950, as amended, and Chapters 13 and 18 of the Code of Vienna, or as otherwise lawfully assigned, the Planning Commission shall have the following powers and duties:
  - A. Prepare and recommend a comprehensive plan, including amendments to the existing comprehensive plan. (§15.2-2223)
  - B. Provide recommendations regarding proposed amendments to zoning.
  - C. Provide recommendations on proposed Rezoning, Modifications of Site Plan Requirements, Avenue Center Amenity Overlay, and Conditional Use Permits.
  - D. Conduct Public Hearings.
  - E. Request Reports and Studies.
6. **Final Decisions.** The Planning Commission has no final decision authority.

### Section 18-817 Town Council

1. **Purpose.** The Town Council is the legislative body of the Town of Vienna.
2. **Establishment.** The Town Council is established in accordance with Code of Virginia, § 15.2-1400 et seq., and the Town Charter.
3. **Final Decisions.** Except as otherwise specified herein, the Town Council shall be responsible for final decisions regarding the following, related to this Chapter:
  - A. Modifications of Requirements ( §18-830)
  - B. Proffer Amendments ( §18-834)
  - C. Rezoning, Text, and Map Amendments ( §18-835)
  - D. Site Plans, Avenue Center Amenity Overlay ( §18-836.6)
  - E. Site Plans, Church Street Vision Incentive Overlay ( §18-836.7)
  - F. Site Plans, Corporate Park ( §18-836.8)
  - G. Site Plans, Parks Zones ( §18-836.9)
  - H. Trailer, Temporary Use ( §18-838)

- I. Trailer, Public Use or Temporary Residential ( §18-839)
- J. Appeals of final decisions of the Board of Architectural Review ( §18-821)
- K. Appeals of final decisions of the Windover Heights Board of Review ( §18-840)

### Section 18-818 Windover Heights Board of Review

1. **Purpose.** The Windover Heights Board of Review shall review applications for Certificates of Appropriateness within the Windover Heights Historic District, per Article 2 of this Chapter. In addition to any other duties set forth in the Code of Vienna, the Windover Heights Review Board shall have the review and decision-making authority set forth in this Article 8.
2. **Membership.** The Windover Heights Board of Review shall consist of five members. In making all appointments to the board, the Town Council shall consider persons who have evidenced an interest in and an appreciation for the cultural heritage and history of the Town.
  - A. Except for the registered professional architect, all of the following members of the board shall be residents of the Town and are:
    - i. One registered professional architect whose qualifications are compatible with historic preservation and restoration,
    - ii. One member of the Board of Architectural Review,
    - iii. One member of the Planning Commission,
    - iv. One member of the Conservation and Sustainability Commission; and,
    - v. One member selected from the community at large.
  - B. All appointments to the board, except for those to fill an unexpired term, shall be for a period of two years.
3. **Meetings.**
  - A. The board shall hold a regular meeting, at least once a month. Special meetings may be held at other times at the discretion of the chair, or two members of the Board.
  - B. Meetings also shall be called at the direction of the Town Council.
  - C. The Chair shall preside over the board and have the right to vote. The Vice-Chair shall perform the duties of the Chair in the event of the Chair's absence.
4. **Final decisions.** Except as otherwise specified herein, the Windover Heights Board of Review shall be responsible for a final decision on an application for Windover Heights Certificate of Appropriateness ( §18-840).
5. **Appeals.**
  - A. **Appeal Request to Town Council.** Any person jointly or severally aggrieved by any decision of the Windover Heights Board of Review, including any applicant, any citizen of the Town, and the Town through its Zoning Administrator, may appeal such decision to the Town Council by filing with the Town Clerk a written request for appeal.
  - B. **Deadline for Appeals.** Such appeals shall be filed within thirty (30) days after the decision has been made by the Windover Heights Board of Review.
  - C. **Public Hearing before Town Council.** The Town Council shall within thirty (30) days of receipt of such written request, or within a longer period if agreed upon by the applicant, grant such applicant a full hearing at a public meeting.

- D. **Decision of Town Council.** Within thirty (30) days of such hearing, and after consultation with the Windover Heights Board of Review (WHBR), the Town Council may reverse or modify the decision of the WHBR, in whole or in part, or affirm the decision of the WHBR.
- E. **Appeal Decision of Town Council.** Any person jointly or severally aggrieved by any decision of the Town Council, or any citizen of the Town, may appeal such decision to the Circuit Court of Fairfax County within thirty (30) days after the final decision is rendered by the Council. The filing of the said petition shall stay the decision of the Town Council pending the outcome of the appeal to the Court. The Court may reverse or modify the decision of the Town Council in whole or in part, if it finds upon review that the decision is arbitrary and constitutes an abuse of discretion or it may affirm the decision of the Town Council.

## **DIVISION 4. APPLICATIONS AND PROCESSES**

### **Section 18-819 Applications and Process Generally**

- 1. **Purpose.** The following Sections establish the submission and review processes for applications relevant to this Chapter, ensuring compliance with the requirements of this Chapter, and other State, County, and Town regulations.
  - A. **Administrative Officials May Appoint Designees.** The Town Manager, Director of Planning and Zoning, Director of Public Works, Director of Parks and Recreation, and/or the Zoning Administrator may designate staff to perform the functions within these processes on their behalf.
  - B. **Submission Requirements.** The Town Manager, Director of Planning and Zoning, Director of Public Works, Director of Parks and Recreation, and Zoning Administrator or their designees shall prepare submission requirements for the applications and processes within Article 8.
  - C. **Responsibility to Prove Compliance.** Applicant(s) shall meet the submission requirements and provide sufficient information and documentation to demonstrate compliance with all applicable State, County, and Town regulations.
- 2. **Authority to File Applications.** All development applications reviewed under this Chapter must be submitted by the owner of the land on which the development is proposed, or by a person authorized (an “authorized representative”) in writing by the owner to submit the application on behalf of the owner. If there are multiple owners of the land on which a development is proposed, all such owners or their authorized representative(s) must sign the application or a power of attorney, letter, or other document consenting to the application.
- 3. **Notifications.** For information about notification requirements for public hearings required for decision on applications, see [Division 5](#).

### **Section 18-820 Appeals of Zoning Administrator Decision**

- 1. **Right to Appeal.** Per State Code [§15.2-2301](#), of the Code of Virginia, 1950, as amended, any applicant or any other person who is aggrieved by a decision of the zoning administrator made pursuant to the provisions of [§15.2-2299](#) of the Code of Virginia, 1950, as amended, may petition the Board of Zoning Appeals for review of the decision of the zoning administrator.

2. **Zoning Administrator Decision Must be Written and Appealable.** A decision by the Board of Zoning Appeals on an appeal taken pursuant to this section shall be binding upon the owner of the property that is the subject of such appeal only if the owner of such property has been provided written notice of the zoning violation, written determination, or other appealable decision, per §15.2-2311 of the Code of Virginia, 1950, as amended.
3. **Deadline on Right to Appeal.**
  - A. All applications for appeals of Zoning Administrator decisions shall be filed with the Zoning Administrator and with the clerk of the Board of Zoning Appeals within thirty (30) days from the date of the decision for which review is sought and shall specify the grounds upon which the petitioner is aggrieved. Any application submitted more than thirty (30) days after the date of the decision shall not be considered.
  - B. The Zoning Administrator may determine that appeals of decisions regarding temporary uses are subject to a limit of ten (10) days after the date of the decision for which an application for an appeal would be submitted.
4. **Final Decision.** The Board of Zoning Appeals shall hold a public hearing within ninety (90) days of the date of acceptance of the completed application. The Board of Zoning Appeals may uphold the Zoning Administrator decision, modify the decision, or overturn the decision.
5. **Appeals.** Decisions by the Board of Zoning Appeals may be appealed to the Fairfax County Circuit Court, per State Code §15.2-2285 of the Code of Virginia, 1950, as amended.
6. **Appeal Decision Standards.** The determination of the zoning administrator will be presumed correct. The appellant has the burden of proof to rebut such presumption of correctness by a preponderance of the evidence. The BZA must consider the record on appeal and any applicable ordinances, laws, and regulations in making its decision.
7. **Notification.** Notice of the public hearing shall be provided as required by §15.2-2204 of the Code of Virginia, 1950, as amended, as outlined in Division 5. However, when giving any required notice to the owners, their agents or the occupants of abutting property and property immediately across the street or road from the property affected, the board may give such notice by first-class mail rather than by registered or certified mail.

### Section 18-821 Board of Architectural Review Certificate of Approval

1. **Certificate of Approval Required.** Per Chapter 4, Section 4-8 of the Town Code, no structure, building, sign or other improvements or other major landscape features surrounding such building, structure, sign or improvement located on any land within any architectural control district shall be erected, reconstructed, altered or restored until the plans for such shall have been approved by the Board of Architectural Review; provided that the provisions of this chapter shall not apply to the regular maintenance of the same as opposed to the reconstruction, alteration or restoration. For the purposes of this section, the repainting of a structure, building or sign that results in the complete change of color of the said structure, building or sign or a substantial portion thereof shall be deemed an alteration and not regular maintenance.
2. **Criteria for Review.** The criterion for the Board of Architectural Review decision is found within §4-15. - Design criteria and §8-B.3 Same—Purposes.

**3. Application and Review Process.**

- A. **Review for completeness.** Applications for the Board of Architectural Review are reviewed for completeness by the Director of Planning and Zoning and the Zoning Administrator.
- B. **Sign Permit Procedures.** Prior to any alteration or installation of a sign or sign structure that requires a permit, an application shall be submitted to the zoning administrator containing the following information:
  - i. Plans showing the area of the sign;
  - ii. The size;
  - iii. Character and color of letters and design proposed;
  - iv. The method of illumination, if any;
  - v. The exact location proposed for such sign;
  - vi. In the case of suspended or projecting signs, the method of fastening such sign to its supported structure; and
  - vii. Samples or pictures of sign facing material and color.
- C. **Application deemed complete.** Once the Director of Planning and Zoning and the Zoning Administrator deem the application complete, the application and supporting materials are transmitted within twenty (20) days to the chairperson of the Board of Architectural Review, with recommendations regarding the application.
- D. **Application Hearing.** Per §4-10 of the Town of Vienna Code, the chairperson of the Board of Architectural Review shall place the application on the agenda for consideration at the first regular meeting of the Board to be held not less than ten days after receipt of such application by the chair. The Board shall hear testimony in support or in opposition to the application.
- E. **Final Decision.** The Board of Architectural Review shall make the final decision on all applications for Certificates of Approval, per §4-11 of the Town of Vienna Code.
- F. **Building Permit Application.** Only after the Board of Architectural Review has made a final decision, and no appeals have been submitted, the Director of Planning and Zoning and the Zoning Administrator may accept an application for a Building Permit for the proposed project. See §18-822, Building Permits.

- 4. Appeals.** The appeal process for decisions of the Board of Architectural Review is within §4-13. - Hearing before Town Council., and §4-14. - Appeals to county circuit court of Chapter 4 of the Code of the Town of Vienna.

**Section 18-822 Building Permit**

- 1. Building Permit Required.** No excavation shall be commenced, no wall, structure, premises, or land used, no building or part thereof built, constructed, or altered, no building shall be moved, no sign shall be erected, repaired, or repainted until application has been made and the proper approval obtained from the Zoning Administrator and Fairfax County in accordance with the provisions of this Code and said permit has been posted at the building site in plain view from the street.

2. **Types of Building Permits.** The Town of Vienna reviews building permit applications within the following categories:
  - A. **Small-Scale Residential Building Permit.** Permit applications for properties zoned for single-unit detached residences, duplexes and individual townhouses that propose to disturb less than 2,500 square feet of land.
  - B. **Large-Scale Residential Building Permit.** Permit applications for properties zoned for single-unit detached residences and duplexes that propose to disturb 2,500 square feet of land or more for structural additions, landscaping, pools, infill lot redevelopment, and subdivisions development.
  - C. **Commercial Building Permit.** Permits for interior and exterior modifications to all commercial, industrial, institutional, and multi-unit residential properties and structures.
3. **Application and Review Process.**
  - A. **Reviewers.** Applications for Building Permits are reviewed by the Director of Planning and Zoning, the Director of Public Works, the Zoning Administrator, and Fairfax County for completeness and compliance with requirements of this Code, and other applicable State and Town regulations. Fairfax County may concurrently review Building Permit applications.
  - B. **Board of Architectural Review.** Exterior modifications to non-residential, mixed-use, duplex, townhouse, and multi-family properties and structures require review and approval by the Board of Architectural Review. See Section 18-821 Board of Architectural Review Certificate of Approval and Chapter 4 of the Code of the Town of Vienna.
  - C. **Compliant Applications.** Once the application is determined to comply with requirements of this Chapter, and other applicable State and Town regulations, the Zoning Administrator will provide stamped drawings and documentation to the applicant stating that the application fulfills Town of Vienna zoning and site-related requirements.
  - D. **Issuance of Permit.** Fairfax County may issue a building permit after the application has received Town of Vienna zoning and site-related approval. For a building permit to be valid, an applicant must receive both a building permit from Fairfax County and both zoning and site-related approvals from the Town of Vienna.
4. **Required Application Materials**
  - A. **Small-Scale Residential Building Permits.** The applicant shall submit to the Zoning Administrator a plat or site plan prepared by a registered engineer or certified land surveyor authorized to practice by the Commonwealth of Virginia, showing current site conditions and proposed improvements, in addition to items outlined in the relevant checklist of requirements.
  - B. **Large-Scale Residential Building Permits.** All residential building permit applications for residential projects with 2,500 square feet or more of land disturbance shall be submitted with a site plan drawn by a registered engineer or certified land surveyor authorized to practice by the Commonwealth of Virginia, showing current site conditions and proposed improvements, in addition to items outlined in the relevant checklist of requirements. See [§18-836.10](#), Infill Lot Site Plan.

- C. **Commercial Building Permits.** If a Commercial Building Permit application is associated with site modifications, a site plan must be submitted in accordance with the requirements of this Chapter. The Zoning Administrator may determine that some applications do not require site plan review. Applicants must follow the relevant checklist of requirements. See §18-836, Site Plans.
- 5. **Appeals.** The Town of Vienna decisions on building permit applications may be appealed by the applicant, following the process outlined in §18-820 Appeals of Zoning Administrator Decision.
- 6. **Inspections.** The Zoning Administrator and Director of Public Works may determine that inspections are required during the construction or after the construction of the scope of work within a permit. Inspections may include site visits or document review.
- 7. **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 stormwater, or subject to the danger of erosion, unless all plans therefor conform to all requirements of this Chapter.

### Section 18-823 Certificate of Occupancy

#### 1. Certificate of Occupancy Required.

- A. No commercial or residential occupancy, use, change of use, or continuation of a use following the change in ownership or proprietary control of such use of any building 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 chapter.
- B. A certificate of occupancy subject to this Ordinance must not be issued unless the Zoning Administrator certifies that the proposed activity complies with this Chapter, including all conditions of approval of permits or development approvals to which the proposed activity is subject.
- C. An existing Certificate of Occupancy is invalidated and must be reissued under the following circumstances:
  - i. An existing non-residential use is expanded or modified;
  - ii. The ownership, and/or the registered trade name of the owner, of a non-residential or multi-unit building changes;
  - iii. The user of an existing non-residential tenant space changes or the registered trade name of any non-residential owner changes; or
  - iv. Alterations or an addition greater than 50% of the existing structure is proposed.

#### 2. Types of Occupancy Permits.

- A. **Non-Residential, Multi-Unit & Mixed-Use Owner.** The owner of a multi-unit non-residential, multi-unit residential, or mixed-use structure, sometimes known as the “shell”, must obtain a Certificate of Occupancy prior to the issuance of Occupancy permits for commercial or residential tenants within the structure.
- B. **Non-Residential Tenant.** Each commercial business or tenant within a commercial or non-residential unit must obtain a Certificate of Occupancy.

- C. **Residential.** No occupancy of a new single-unit detached, duplex, cottage court unit, or townhouse residential property shall commence until the issuance of a Certificate of Occupancy. The Certificate of Occupancy issued for a residence continues with the property and does not need to be updated due to a change in ownership.

**3. Application and Review Process.**

- A. **Reviewers.** Applications for Certificates of Occupancy are reviewed by the Director of Planning and Zoning, the Director of Parks and Recreation, the Director of Public Works, and the Zoning Administrator for completeness and compliance with all applicable requirements of this Code.
- B. **Certificate Issued.** If the application meets all applicable requirements, the Zoning Administrator shall issue a certificate. The certificate will include the following:
  - i. Date of approval
  - ii. Location of the use
  - iii. Applicable code sections
  - iv. Any conditions of approval, including Conditional Use permits applicable to the approved use.
- C. **Non-Residential Tenant Certificate Must be Displayed.** Once a Certificate of Occupancy has been issued by the Zoning Administrator, the Certificate must be displayed in plain view on the premises.
- D. **Appeals.** The zoning decisions with respect to an application for a Certificate of Occupancy may be appealed by the applicant, following the process outlined in [§18-820](#) Appeals of Zoning Administrator Decision.

**Section 18-824 Conditional Use Permit**

- 1. **Conditional Use Permit Required.** Any use that is indicated within [Article 3](#) of this Chapter and is marked with a “C” on the Principal Uses or Accessory Uses Tables requires the approval of a Conditional Use Permit by the Board of Zoning Appeals prior to the issuance of a Building Permit or Certificate of Occupancy.
- 2. **Site Plan May be Required.** The Zoning Administrator will review the application and determine whether a site plan review is required prior to the commencement of review of an application for a Conditional Use Permit. See Site Plan in [§18-836](#).
- 3. **Conditions for Approval.** The Board of Zoning Appeals may issue a use permit for any of the uses indicated, within [Article 3](#), with a “C” (conditional) on the Use Table , provided the use for which the permit is sought:
  - A. Will not affect adversely the health or safety of persons residing or working in the neighborhood of the proposed use;
  - B. Will not be detrimental to the public welfare or injurious to property or improvements in the neighborhood;
  - C. Will be in accordance with the purposes of the Town’s comprehensive plan; and
  - D. Meets use-specific standards outlined in [Article 3](#) of this chapter.
- 4. **Action Required in Reasonable Time.** The Board of Zoning Appeals shall fix a reasonable time for the hearing of an application, within ninety (90) days of the application being deemed complete. This time period is directory, rather than mandatory; the Board does not lose jurisdiction to act after the time period has passed.

- 5. Application.** An application for a conditional use permit shall be submitted to the Director of Planning and Zoning on such forms as the Director may prescribe and shall include the following:
- A. A detailed description of the operation of the proposed use, including any proposed ancillary or secondary use that the applicant is considering.
  - B. Plans to control any potential impacts of the proposed use on the nearby community, including:
    - i. **Noise.**
      - a. Noise levels anticipated from all uses and equipment.
      - b. A statement as to whether the anticipated noise complies with the levels permitted by the Town Code.
      - c. Plans to control these anticipated noise levels, including noise emanating from patrons or visitors to the proposed use.
    - ii. **Odors.** Methods to be used to control odors emanating from the use when applicable.
    - iii. **Trash and litter.**
      - a. The type and volume of trash and garbage the proposed use will generate.
      - b. The planned frequency of trash collection.
      - c. Planned methods to prevent littering on the property, streets and nearby properties.
    - iv. **Loading/unloading.**
      - a. Availability and adequacy of off-street loading facilities.
      - b. Hours and frequency of off-street loading.
    - v. **Parking and Stacking.**
      - a. Number of spaces available to serve residents, employees, and patrons during the hours of operation, for all primary and secondary uses being proposed.
      - b. Plan showing geometric design of stacking aisle and number of stacking spaces provided.
    - vi. **Use capacity.**
      - a. The estimated number of patrons, visitors, clients, pupils and other such users.
      - b. The proposed number of employees, staff and other personnel.
    - vii. **Hours.** The proposed hours and days of operation of all proposed uses.
    - viii. **Site Plan.** A proposed site plan consistent with the requirements of [§18-836](#) shall be submitted, reviewed, and approved as part of the conditional use permit application and pursuant to the procedures and standards of this section, or an approved site plan showing compliance with the uses proposed.
    - ix. Plans and other documents exhibiting compliance with any other requirements contained in this ordinance for the conditional use proposed and as the Director of Planning and Zoning determines are necessary and desirable for adequate review.

## 6. Review Process.

- A. **Pre-Application Meeting.** The applicant is required to attend a pre-application meeting with Town staff prior to submitting an application for a Conditional Use Permit. See [§18-833](#), Pre-Application Meeting.
- B. **Review for completeness.** Applications for Conditional Use Permits are reviewed for completeness by the Director of Planning and Zoning and the Zoning Administrator. The application may be referred to the Director of Public Works if determined to be required by the Zoning Administrator.
- C. **Application deemed complete.** Once the Director of Planning and Zoning and the Zoning Administrator deem the application to be complete, the application and supporting materials are transmitted to the Planning Commission.
- D. **Action by Planning Commission.** The Planning Commission shall make a recommendation on the application based on Conditions for Approval outlined in [§18-824.3](#), and applicable Use Standards outlined in [Article 3](#). The Zoning Administrator shall transmit the Planning Commission's recommendation with the application and supporting materials to the Board of Zoning Appeals for final review and determination.
- E. **Action by the Board of Zoning Appeals.**
  - i. **Final Decision.** The Board of Zoning Appeals has the final decision authority on Conditional Use Permits.
  - ii. **Board may Impose Conditions.** The Board may impose such conditions relating to the use for which a permit is granted as it may deem necessary in the public interest, including limiting the duration of a permit, and may require a guarantee or bond to ensure continued compliance with the conditions imposed.
- F. **Appeals.** Decisions by the Board of Zoning Appeals may be appealed to the Fairfax County Circuit Court per Code of Virginia [§15.2-2285](#), 1950, as amended.

## 7. Duration of valid permit.

- A. **Permit void after six months if operation not commenced.** Any use permit or amended portions of existing use permits shall become void six months after issuance if construction or operation related thereto has not commenced, unless otherwise specified by the Board of Zoning Appeals.
- B. **Extension of time allowed under certain conditions.** An extension of time may be permitted by the Board of Zoning Appeals.
- C. **Termination of use.** A conditional use permit shall cease to be valid if the use for which such permit is granted is not operated for a continuous period of two (2) years or more.

## 8. Enforcement and Compliance.

- A. **Failure to Comply with Permit Conditions.** Failure to comply with Conditional Use Permit conditions are zoning violations and subject to the enforcement measures within [Division 6 - Enforcement, Compliance and Penalties](#).
- B. **Revocation of Non-Compliant Permits.** The Board of Zoning Appeals may revoke a Conditional Use Permit if the board determines that there has not been compliance with the terms and conditions of the permit. No permit may be revoked except after notice and hearing as provided by Code of Virginia, [§15.2-2204](#).

### Section 18-825 Condominium Conversion

1. **Information filing required.** The declarant of a conversion condominium in the Town shall file, with the zoning administrator, copies of all information otherwise required to be filed by such declarant with any and all appropriate departments, agencies and offices of the commonwealth and such filing with the zoning administrator shall be done simultaneously with such other filing required by the commonwealth.
2. **Offer of lease to elderly and disabled tenants required.**
  - A. The declarant of a conversion condominium in the Town shall, simultaneously with giving to tenants such notice of conversion as is required by applicable provisions of the Code of Virginia, offer elderly and disabled tenants occupying as their residence at that time, apartments or units in the proposed conversion condominium leases or extensions of lease on the apartments or units they then occupy or on other apartments or units of equal size and overall quality.
  - B. Offers of leases or extensions of leases required by this section shall include no less than twenty (20) percent of the apartments or units in the proposed conversion condominium and shall be offered for a term of three (3) years. Such offers of leases or extensions of leases shall not apply to apartments or units which will, in the course of conversion, be substantially altered in the physical layout, restricted exclusively to nonresidential use or rendered legally uninhabitable because of renovations or rehabilitation which the declarant intends in good faith to perform.
  - C. For the purpose of this section the term "elderly" means a person not less than sixty-two (62) years old and the term "disabled" means a person suffering from a severe, chronic physical or mental impairment which results in substantial functional limitations.
3. **Reimbursement of displaced tenants required.** The declarant of any residential condominium converted from multifamily rental shall reimburse any tenant displaced by the conversion for amounts actually expended to relocate as a result of such dislocation but not in excess of the amount to which the tenant would have been entitled to receive under law if the real estate comprising the condominium had been condemned by the Virginia Department of Highways and Transportation (VDOT).
4. **Schedule of reimbursable expenses.** The zoning administrator shall maintain a current schedule of reimbursable expenses, which schedule shall be available to the public during business hours.

### Section 18-826 Driveway Permit

1. **Driveway permit required.** A permit is required for new or modified driveways. Modifications include a change of driveway size and/or location.
2. **Repair, Maintenance, and Material Changes.** For previously permitted driveways, ordinary maintenance, repair, or the change of materials does not require a permit, provided the size and shape of the driveway is not altered. This provision does not apply to work done within the Town right-of-way.
3. **Driveway Regulations.** Driveway applications are reviewed for compliance with regulations regarding off-street parking, lot coverage, right-of-way, and other applicable requirements per [Articles 2, 4A, and 4B](#).

4. **Site Survey Required.** All Driveway Permit Applications shall be submitted with a site plan drawn by a licensed surveyor showing existing lot conditions.
5. **Application and Review Process.**
  - A. **Completeness and Compliance.** Applications for driveway permits are reviewed by the Director of Planning and Zoning, the Director of Public Works, and the Zoning Administrator for completeness and compliance with all applicable requirements of this Code.
  - B. **Permit Issued by Zoning Administrator.** The Zoning Administrator will issue a permit once all requirements have been met.
  - C. **Right-of-Way Improvements.** Modifications to the public right-of-way are subject to review and approval by the Director of Public Works.
6. **Appeals.** The zoning decisions on a driveway permit application may be appealed by the process within [§18-820](#), Appeals of Zoning Administrator Decision.

#### **Section 18-827 Family Day Home Permit**

1. **Family Day Home Permit required.** A Family Day Home permit is required for all licensed child day programs caring for up to four (4) children.
2. **Conditional Use Permit required.** A family day home caring for more than four (4) children shall require a Conditional Use Permit. See Conditional Use Permits [§18-824](#).
3. **License Required.** Prior to submitting for zoning approval, all required state licenses for Family Day Home must be acquired.
4. **Application and Review Process.**
  - A. **Completeness and Compliance.** Applications for Family Day Home permits are reviewed for completeness and compliance with all applicable requirements of this Code by the Director of Planning and Zoning and Zoning Administrator.
  - B. **Permit Issued.** The Zoning Administrator will issue a permit.
5. **Appeals.** The zoning decisions on Family Day Home permit application may be appealed by the process within [§18-820](#), Appeals of Zoning Administrator Decision.

#### **Section 18-828 Fence Permit**

1. **Fence permit required.** A permit is required to install a new fence or replace greater than fifty percent (50%) of an existing permitted fence, including the replacement of non-structural pickets or decorative elements.
2. **Fence Regulations.**
  - A. Single Unit Residential Fences, Article 4A, [§18-410](#)
  - B. Multi-Unit Residential Fences, Article 4B, [§18-465](#)
  - C. Commercial, Industrial, and Mixed Use Fences, Article 5A, [§18-513](#)
  - D. Public, Institutional, and Community Use Fences, Article 5B, [§18-562](#)
3. **Site Survey Required.** All Fence Permit applications shall be submitted with a site plan or plat drawn by a licensed surveyor showing existing lot conditions.

**4. Application and Review Process.**

A. **Completeness and Compliance.** Applications for fence permits are reviewed by the Director of Planning and Zoning and the Zoning Administrator for completeness and compliance with all applicable requirements of this Code.

B. **Permit Issued by Zoning Administrator.** The Zoning Administrator will issue a permit.

**5. Appeals.** The zoning decisions on Fence Permit applications may be appealed by the process within [§18-820 Appeals of Zoning Administrator Decision](#).

**Section 18-829 Home-Based Business Permit**

**1. Home-based Business Permits required.** Home-based businesses located in residential structures shall obtain a permit for the business prior to initiating the business use.

**2. Home-based Business Regulations.** Home-based business regulations are within Article 3 [§18-327](#).

**3. Application and Review Process.**

A. **Completeness and Compliance.** Applications for Home-based business permits are reviewed by the Director of Planning and Zoning and the Zoning Administrator for completeness and compliance with all applicable requirements of this Code.

B. **Permit Issued by Zoning Administrator.** The Zoning Administrator will issue a permit.

**4. Appeals.** The zoning decisions on home-based business permit applications may be appealed by the process within [§18-820 Appeals of Zoning Administrator Decision](#).

**Section 18-830 Modification of Requirements**

**1. Purpose.** Applications for modifications of requirements, in which the proposed development cannot be achieved within the requirements of the Zoning Code, must submit a narrative and Major Site Plan demonstrating the requested modifications to any of the following standards:

A. Setbacks per [Article 2](#)

B. Lot Area per [Article 2](#)

C. Lot Coverage per [Article 2](#)

D. Number of units per [Article 2](#)

E. Height of an architectural feature per [Article 2](#)

F. Open space standards per [Article 2](#),

G. Screening or landscaping standards per [Articles 4B, 5A and 5B](#).

H. Parking standards per [Articles 4B, 5A and 5B](#)

**2. Application and Review Process.**

A. **Requests must be in writing.** Requests for Modifications of Requirements shall be submitted to the Director of Planning and Zoning, accompanied by a written statement including the code sections from which relief is sought and setting forth the reasons therefor.

- B. **Completeness and Compliance.** Applications for modifications of requirements are reviewed for completeness and compliance with the Code of Vienna by the Director of Planning and Zoning, the Director of Public Works, the Director of Parks and Recreation, and the Zoning Administrator.
- C. **Transmission to Planning Commission.** Once staff review is complete, the application will be transmitted to the Planning Commission for review at a regular meeting. The Planning Commission shall make a recommendation on the application to the Town Council, which shall include reviewing for consistency with the Comprehensive Plan and the integrity of the Town Code.
- D. **Final Decision by Town Council.** The application and Planning Commission’s recommendation are then transmitted to the Town Council for review and determination at a public hearing. The Town Council’s review shall include, but not necessarily be limited to, determining whether the requested modifications would, if approved, be consistent with the Comprehensive Plan and would not impair the integrity of the Town code.
- E. **Notification.** Prior to the Town Council granting or denying any such modification, notification letters by certified mail to adjoining property owners and those abutting across a public street shall be sent not less than five days prior to council's consideration of the request for modification. See also Division 5
- F. **Final Approval Required before the Issuance of Other Permits.** Applications for modifications of requirement must be approved by Town Council and the final site plan must be stamped as approved prior to the issuance of building permits or a Certificate of Occupancy.
- G. **Referral to Board of Architectural Review.** All site plans, except those for single-unit residential properties, may require referral to the Board of Architectural Review prior to approval. See §18-821.

**Section 18-831 Outdoor Dining Permits**

- 1. **Types of Permits Required to Establish Outdoor Dining.** Outdoor Dining requires review and permits to ensure compliance with all applicable requirements.
  - A. **Permanent Outdoor Dining, 12 seats or Fewer.** Outdoor dining utilizing 12 seats or fewer may be approved by the Zoning Administrator as part of a new or revised Site Plan and Certificate of Occupancy, subject to compliance with use standards outlined in Article 3, §18-335.
  - B. **Permanent Outdoor Dining, More than 12 seats.** Outdoor dining utilizing more than 12 seats must apply for a Site Plan and Conditional Use Permit, following the procedures outlined in §18-836 and §18-824, and is subject to compliance with use standards outlined in Article 3, §18-335.
  - C. **Seasonal Outdoor Dining.** Seasonal outdoor dining within off-street parking spaces, which may be utilized from April 1 to October 31 annually, requires approval of a Seasonal Outdoor Dining Permit by the Zoning Administrator. See §18-335.3.
- 2. **Site Plan May be Required.** Outdoor Dining Permit applications shall be associated with a site plan showing the site modifications or redevelopment in accordance with the requirements of this Chapter. The Zoning Administrator may determine that some applications do not require site plan review. See Site Plan in §18-836.

3. **Board of Architectural Review Required.** All features of outdoor dining must be approved by the Board of Architectural Review per §18-821, Board of Architectural Review Certificate of Approval.
4. **Seasonal Outdoor Dining Permit Process.**
  - A. **Issued by Zoning Administrator Annually.** Seasonal outdoor dining requires issuance of a permit, which is to be reviewed and issued annually by the Zoning Administrator. The permit may be revoked if there is found to be lack of adherence with any conditions listed in this Chapter.
  - B. **Use Specific Standards for Seasonal Outdoor Dining.** Seasonal Outdoor dining must meet all applicable standards within §18-335 of Article 3 of this Chapter.
  - C. **Completeness and Compliance Review.** Applications for Seasonal Outdoor Dining Permits are reviewed by the Director of Planning and Zoning and the Zoning Administrator for completeness and compliance with all applicable requirements of this Chapter. Review of an application by the Director of Public Works may also be required.
  - D. **Board of Architectural Review Required.** All features of Seasonal Outdoor Dining must be approved by the Board of Architectural Review per §18-821, Board of Architectural Review Certificate of Approval.
  - E. **Final Decision.** After determining that the application meets the requirements of this Chapter, the Zoning Administrator may issue a permit stating any conditions of the permit approval. The permit must be displayed in a visible location during such time that outdoor seating is in place during the outdoor dining season.
  - F. **Appeals.** The zoning decisions on Outdoor Dining applications may be appealed by the process within §18-820 Appeals of Zoning Administrator Decision.

#### **Section 18-832 Patio and Sports Court Permit**

1. **Permit Required.** The modification or addition of new patios or sports courts for private use on a single-unit residential, duplex, townhouse, or cottage court property requires a permit.
2. **Site Survey Required.** All applications for a Patio or a Sports Court shall be submitted with a site plan drawn by a licensed surveyor showing existing lot conditions and the proposed new project.
3. **Projects of 2,500 square feet or more of disturbance.** Proposals or alterations for sports courts or patios that will cause 2,500 square feet or more of land disturbance will require the submission of an Infill Lot Plan per §18-836.10 Infill Lot Plan.
4. **Application and Review Process.**
  - A. **Completeness and Compliance.** Applications for Patio and Sports Court Permits are reviewed by the Director of Planning and Zoning, the Director of Public Works, and the Zoning Administrator for completeness and compliance with all applicable requirements of this Chapter.
  - B. **Permit Issued by Zoning Administrator.** The Zoning Administrator will issue a permit once a determination has been made that all requirements have been met.
5. **Appeals.** The zoning decisions on this building permit application may be appealed by the process within §18-820 Appeals of Zoning Administrator Decision.

### Section 18-833 Pre-Application Meeting

1. **Purpose.** The purpose of a pre-application meeting is to provide an opportunity for the applicant to understand the submittal requirements and the procedures and standards applicable to an anticipated development application; and to provide Town staff the opportunity to become familiar with, and offer the applicant preliminary comments about, the scope, features, and impacts of the proposed development. For some application types, this step is mandatory. For other types, it is optional.
2. **Information to be Submitted Prior to Meeting.** At least five (5) business days prior to the pre-application meeting, the applicant is encouraged to submit a written description and a conceptual plan that shows the location and general layout of the proposed development to Town staff.
3. **Scheduling.** Staff will arrange a meeting with the applicant when the appropriate staff can be present. Desired meeting dates and times are not guaranteed.
4. **Premise of the Pre-Application Meeting.** The pre-application meeting is a means of facilitating the formal review process, and not a review or decision of the Zoning Administrator or any other applicable decision authority.
  - A. **Discussions are Non-Binding.** Discussions held during pre-application meetings are not binding on either the Town or the applicant.
  - B. **Process Review Times Not Applicable.** Goals for processing times for review of development applications do not begin until a formal application is submitted and has been determined by Town staff to be complete.

### Section 18-834 Proffer Amendment

1. **Generally.** Proffered conditions become a part of the zoning regulations that apply to the rezoned property, unless changed by a later amendment approved by Town Council. These proffered conditions supplement the specific regulations for the zoning district in question. Once the Council approves an application with proffered conditions, any site plan, subdivision plat, or development plan submitted for the development of the property must substantially conform with all proffered conditions, and no Town official may approve any development without such substantial conformance, except as may be permitted below.
2. **Modifications of Conditions Requiring Amendment**
  - A. A request that cannot be accomplished as a minor modification or minor variation requires approval of a proffered condition amendment and, when applicable, an associated development plan amendment, in accordance with the applicable procedures.
  - B. An application for such an amendment may cover all or a portion of the property subject to the proffered conditions, or it may request to add proffered conditions on a parcel not currently the subject of any proffered condition. In its review of a request that does not cover the property subject to proffered conditions, the Town Council should consider whether the request would have an adverse impact on the remainder of the property in terms of:
    - i. The approved use;
    - ii. Fulfillment of proffered conditions;
    - iii. Vehicular and pedestrian circulation, connectivity, landscaping, and streetscape; and
    - iv. The approved density or intensity.

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- C. After approval of an amendment, all other previously approved proffered conditions remain in full force and effect.
- D. Any modification to a proffered condition to provide an accessibility improvement or other reasonable accommodation as determined by the Zoning Administrator will be permitted and will not require approval of a proffered condition amendment.
- 3. **Review by Town Council Required for Proffer Amendments.** Proffer statements approved by the Town Council as part of a rezoning shall only be amended after the review and approval of Town Council.
- 4. **Review for Completeness and Compliance.** Applications for proffer amendments are reviewed for completeness by the following Town staff, depending on the nature of the amendments being required: the Director of Planning and Zoning, Director of Public Works, Director of Parks and Recreation, Town Attorney and Zoning Administrator.
- 5. **Review by Town Council.** The application will be transmitted to the Town Council to conduct a public hearing to review and make a determination.
- 6. **Appeals.** Appeals shall be made to the Fairfax County Circuit Court.

### Section 18-835 Rezoning, Text Amendments, and Map Amendments

- 1. **Purpose.** The Town Council may amend, supplement, or change the provisions of this Chapter, zone boundaries; or it may rezone property.
- 2. **Authority to Apply.** An application for rezoning of property may be made by the owner, contract owner or optionee of the property that is proposed to be rezoned, which shall be submitted to the Town Council. An applicant who is a contract owner or optionee must, as part of the application, submit a document signed by the owner, with contact information of that owner, indicating consent with the application.
- 3. **Application and Review Process.**
  - A. **Completeness and Compliance.** Applications for Rezoning, Text Amendments and/ or Map Amendments are reviewed by the Director of Planning and Zoning, the Director of Public Works, the Director of Parks and Recreation, and the Zoning Administrator for completeness and compliance with all applicable requirements of the Town Code.
  - B. **Application deemed complete.** Once the Director of Planning and Zoning and the Zoning Administrator deem the application complete and compliant, the application and supporting materials are transmitted to the Planning Commission.
  - C. **Public Hearing Date set by Town Council.** The Town Council shall set the public hearing date for consideration of the application.
  - D. **Public Hearing and Recommendation by Planning Commission.**
    - i. The Planning Commission may include in its recommendations additional or amended proffers from the applicant. Additional or amended proffers must be signed by all property owners or their authorized representatives and must be submitted to the Planning Director at least forty-eight (48) hours before the hearing on the application. The Planning Commission may waive or modify the forty-eight (48) hour minimum time period by a majority vote.
    - ii. If the Planning Commission does not make a recommendation on the proposed rezoning within one-hundred (100) days after the first meeting of the Planning Commission after the proposed amendment has been referred to the Planning

Commission, the application will be deemed to be recommended for approval, unless the application is withdrawn.

- iii. 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 receive a recommendation and report from the Planning Commission.

**E. Public Hearing and Final Decision by Town Council.**

- i. After receipt of the Planning Commission’s recommendation, the Town Council shall hold a public hearing on the proposed amendment, supplement, change or rezoning.
- ii. Notice of said hearing shall be accomplished as prescribed in [Division 5](#).
- iii. The Town Council has the authority to make the final decision on all applications for rezonings, text amendments and map amendments. The decision on the application must be one of the following:
  - a. Approval of the application as submitted;
  - b. Approval of the application subject to additional or amended proffers from the applicant;
  - c. Disapproval of the application;
  - d. Remand of the application back to the Planning Commission for further consideration; or
  - e. Other action consistent with the Code of Virginia.
- iv. In determining whether to adopt or disapprove any proposed amendment, supplement, change, or rezoning, the Town Council may consider many factors consistent with the Code of Virginia, including whether and to what extent the proposal:
  - a. Is consistent with the goals and policies of the comprehensive plan and other applicable Town-adopted plans and planning documents;
  - b. Fulfills any other appropriate land use or zoning purposes or any other relevant purpose permitted by law;
  - c. Is not in conflict with any provision of this Chapter, the Town Code, and the Code of Virginia; and
  - d. Is required by the public necessity, convenience, general welfare, or good zoning practice.
- v. **Effect of Protest of Rezoning and Map Amendments on Council Vote.** If a valid protest is received against a proposed rezoning and map amendment application, the Town Council must make a favorable vote of two-thirds (2/3) of the Town Council quorum present to approve the application. See [§18-835.5](#).

**F. Appeals.** The decision of the Town Council may be appealed to the Fairfax County Circuit Court.

**G. 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.

**4. Proffers and Conditions of Approval.**

- A. Proffered conditions may include any statement, plan, and other materials that are submitted with a rezoning application and referenced in a written statement signed by the applicant, all owners, and any contract purchaser(s), and accepted by the Town Council in conjunction with the approval of a rezoning.
- B. Conditions of approval must comply with the following requirements:
  - i. Only conditions proffered by the applicant and accepted by the Town Council upon approving the application become part of the zoning requirements for those identified properties. The Town Council may accept some or all of the proffered conditions.
  - ii. Conditions may include text, plans, drawings, and maps.
  - iii. The rezoning itself must give rise for the need for the conditions.
  - iv. Conditions shall have a reasonable relation to the zoning.
  - v. Conditions may include a cash contribution to the Town in accordance with the Virginia State Code. Cash proffers may be used for any public improvements consistent with the Town's adopted Capital Improvement Plan and/or goals set forth in the Town's Comprehensive Plan to address transportation and other public facility needs and impacts.
  - vi. Conditions shall not include mandatory dedication of real or personal property for open space, parks, schools, fire departments or other public facilities not otherwise provided for in the Town's subdivision, site plan or other Town ordinances.
  - vii. Conditions may include payment for or construction of off-site improvements to address transportation and public facility impacts that are not already provided for in the Town's subdivision or site plan ordinances.
  - viii. Except for off-site transportation and public facility improvements, no condition shall be proffered that is not related to the physical development or physical operation of the property.
  - ix. All such conditions shall be in conformity with the comprehensive plan.
  - x. The conditions must not be used for the purpose of discrimination in housing.
  - xi. The conditions must not be less restrictive than the standards of the corresponding base zoning district, any applicable overlay zoning district standard, or other applicable requirements of this Chapter.
- C. **Enforcement of Proffered Conditions**
  - i. The Zoning Administrator is vested with authority to administer and enforce proffered conditions. This authority includes the ability to remedy, by written order, any noncompliance with a proffered condition and the ability to bring legal action to ensure compliance.
  - ii. The Zoning Administrator or the Zoning Administrator's designated agent may require:
    - a. A guarantee, satisfactory to the Town Council, in an amount sufficient to cover the construction cost of any physical improvements required by the proffered conditions; or

- b. A contract for the construction of such improvements and the contractor's guarantee, in like amount, which may be reduced or released by the Council or agent of the Council, with satisfactory evidence that the improvements have been constructed in whole or in part.
  - iii. Failure to meet or comply with any proffered condition is sufficient cause to deny the approval of a subdivision plan or site plan, and the issuance of any permits, including building permits and Certificates of Occupancy, as the Zoning Administrator may deem appropriate.
  - iv. Any person aggrieved by a decision of the Zoning Administrator regarding any proffered condition may appeal that decision to the Board of Zoning Appeals. The appeal must be filed within thirty (30) days from the date of the decision being appealed by filing with the Zoning Administrator and the Clerk to the Board a notice of appeal specifying the grounds on which aggrieved.
- D. An application for rezoning, text amendment or map amendment must be acted upon and a decision made within a reasonable time, which must not exceed twelve (12) months from the date of acceptance of the completed application unless the application is withdrawn or the applicant requests or consents to action beyond such period.

#### **5. Protest of Rezoning and Map Amendments.**

- A. Ability to Submit Protest.** A protest against any proposed change of zone boundaries or rezoning of property may be submitted by twenty-five percent (25%) or more of either of the following:
- i. The owners of lots included within the area of the proposed change; or
  - ii. The owners of lots abutting the area included in such proposed change, and the owners of lots directly opposite the area included in such proposed change, where such area abuts upon a street.
- B. Petition Under Oath.**
- i. The owner(s) of any lot(s) submitting any such protest petition shall execute such protest petition under oath that they are the legal owner(s) or authorized representative(s) of any such owner(s).
  - ii. If the owner(s) of any lot is a corporation or condominium, the petitioner shall submit the appropriate documentation demonstrating he/she is the authorized representative for the owner(s).
- C. In Hard Copy.** A protest petition must be received in hard copy by the Town Clerk, containing all of the required information and signatures. Digital versions may be requested.
- D. Petition Deadline.** A protest petition must be received by the Town Clerk no later than 12:00 noon on the working day before the day of the first public hearing on the application or motion is first conducted by the Town Council.

### Section 18-836 Site Plan Review

1. **Site Plan Approval Required.** Development of, redevelopment of, or modifications to property must be approved through one of the following site plan types prior to the issuance of a building permit or commencing excavation.
2. **Types of site plans.**
  - A. **Minor.** Applications for minor changes to site plans must be for projects that have less than 2,500 square feet of land disturbance and not require Modifications of Requirements per §18-830. Examples include parking lot restriping (with a design change), refuse storage changes, addition of outdoor dining and patios, and other site plan amendments determined to be minor by the Zoning Administrator and the Director of Public Works.
  - B. **Major.** All new site plans, new structures, and site plans with land disturbance of 2,500 square feet or more are considered major site plans. All site plans where a modification of requirements is requested shall follow the Major Site Plan process (See §18-830 Modification of Requirements).
  - C. **Avenue Center Overlay (AC-O).** Applications for development in the Avenue Center District that wish to utilize the incentives of the Avenue Center Overlay zone (Article 2, §18-235) must submit a Major Site Plan demonstrating that the additional requirements of the Avenue Center Overlay process will be met as part of the plan.
  - D. **Church Street Vision Overlay (CS-O).** Applications for development in the Church Street District that wish to utilize the incentives of the Church Street Vision Overlay zone (Article 2, §18-236) must submit a Major Site Plan demonstrating that the additional requirements of the Church Street Vision process will be met as part of the plan.
  - E. **Corporate Park District (CP).** Applications for a building permit or certificate of occupancy in the Corporate Park District (Article 2, §18-227) that is not in accordance with the approved site plan of development for the property, must first submit an amendment to the site plan including all required information about the proposed use.
  - F. **Parks Zones (PR & PC).** Any changes to a site plan for properties zoned Parks and Recreational (PR) (Article 2, §18-232) or Parks and Conservation (PC) (Article 2, §18-233) must be approved by Town Council.
  - G. **Infill Lot Plan and Lot Grading Plan, Residential Application.**
    - i. Single-unit residential infill construction with 2,500 square feet or more of land disturbance requires the approval of a site plan prior to the issuance of a building permit for new construction or additions.
    - ii. Infill development on residential lots that are part of a subdivision that is in active development shall submit a Lot Grading Plan, demonstrating compliance with the approved subdivision.
3. **Application Process for Site Plans, Generally.**
  - A. **Completeness and Compliance.** Applications for site plans are reviewed for completeness and compliance with the Code of Vienna by the Director of Planning and Zoning, the Director of Public Works, the Director of Parks and Recreation, and the Zoning Administrator.

- B. **Final Approval Required before the Issuance of Other Permits.** A final site plan must be stamped as approved prior to the issuance of building permits or a Certificate of Occupancy.
- C. **Referral to Board of Architectural Review.** All site plans, except those for single-unit residential properties, may require referral to the Board of Architectural Review prior to approval.

#### 4. **Minor Site Plan Applications.**

- A. **Submission Requirements Reduced.** The Director of Public Works and the Zoning Administrator may, based on the proposed scope of work, accept the submission of a site plan with reduced detail or for a segment (rather than the whole) of a site, if they deem that the assessment for completeness and compliance will still be sufficient.
- B. **May Require Major Site Plan.** After review by the Director of Planning and Zoning, Director of Public Works, Zoning Administrator, and Director of Parks and Recreation, a determination may be made that the application shall be reviewed as a Major Site Plan, and that additional submission materials are required for a Major Site Plan application.
- C. **Application Review and Process.**
  - i. **Completeness and Compliance.** Applications for minor site plans are reviewed for completeness and compliance with Town code by the Director of Planning and Zoning, the Director of Public Works, the Director of Parks and Recreation, and the Zoning Administrator.
  - ii. **Final Approval by the Zoning Administrator and Director of Public Works.** The Zoning Administrator and Director of Public Works issue the final stamped site plan and the Town of Vienna site and zoning review approval letter.

#### 5. **Major Site Plan Applications.**

- A. **Full Submission Requirements.** The Director of Public Works and Zoning Administrator shall require a site plan submission that provides all material needed to ensure compliance with all Town, County and State regulations.
- B. **Required Public Improvements.** All major site plans are required to meet the required public improvements provisions outlined in Article 6, §18-628 in accordance with standards and specifications by the Director of Public Works per the road category shown on the Town's Official Map along all lot lines of all dedicated rights-of-way.
- C. **Application and Review Process.**
  - i. **Completeness and Compliance.** Applications for major site plans are reviewed for completeness and compliance with the Town code by the Director of Planning and Zoning, the Director of Public Works, the Director of Parks and Recreation, and the Zoning Administrator.
  - ii. **Final Approval by the Zoning Administrator and Director of Public Works.** The Zoning Administrator and Director of Public Works provide their final approach through the issuance of the final stamped site plan and the Town of Vienna site and zoning review approval letter.

#### 6. **Avenue Center Amenity Overlay Applications.**

- A. **Zoning Incentives.** Developments proposed within the Avenue Center Overlay Zone that intend to utilize the bonus modification incentives identified in §18-235 must submit a site plan to the Department of Planning and Zoning.

**B. Application and Review Process.**

- i. **Completeness and Compliance.** Applications to utilize the Avenue Center Overlay zoning bonuses are reviewed for completeness and compliance with the Town code by the Director of Planning and Zoning, the Director of Public Works, the Director of Parks and Recreation, and the Zoning Administrator.
- ii. **Final Decision by Town Council.** Once staff review is complete, the application will be transmitted to the Town Council for review and determination at a public hearing. Town Council shall review and consider the application for compliance with the Avenue Center (AC) Amenity Overlay District requirements in this Code.

**7. Church Street Vision Overlay Applications.**

- A. **Zoning Incentives.** Developments proposed within the Church Street Vision Overlay Zone that intend to utilize the bonus modification incentives identified in Article 2 §18-236 must submit a site plan to the Department of Planning and Zoning.
- B. **Required Public Improvements.** All major site plans are required to meet the required public improvements provisions outlined in Article 6, §18-628 in accordance with standards and specifications by the Director of Public Works per the road category shown on the Town's Official Map along all lot lines of all dedicated rights-of-way.
- C. **Application and Review Process.**
  - i. **Completeness and Compliance.** Applications to utilize the Church Street Vision Overlay zoning bonuses are reviewed for completeness and compliance with Town code by the Director of Planning and Zoning, the Director of Public Works, the Director of Parks and Recreation, and the Zoning Administrator.
  - ii. **Final Decision by Town Council.** Once staff review is complete, the application will be transmitted to the Town Council for review at a regular meeting. Town Council shall review and consider the application for compliance with the Avenue Center (AC) Amenity Overlay District requirements in this Chapter.

**8. Corporate Park District Plan of Development Application.**

- A. **Application.** An application for a Corporate Park District Plan of Development shall be submitted to the Director of Planning and Zoning on such forms as the Director may prescribe and shall include the following:
  - i. **Plan of Development.** In addition to the standard site plan requirements, the plan of development is required to include the following:
    - a. Location and height of all buildings and structures.
    - b. Area devoted to parking facilities and loading berths.
    - c. All access roads, landscaping and screening plans.
    - d. Areas designated for outdoor storage.
    - e. Proposed signs.
  - ii. **Description of proposed operation.** A description of the proposed operation including:
    - a. All machinery, processes, and products.
    - b. An estimate of the maximum number of employees contemplated and the number of shifts during which they would work.

- c. Specifications for the mechanisms and techniques to be used in restricting the emission of dangerous and objectionable elements.
- d. Effects of the operation including 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.
- iii. **Private covenants.** Private covenants and/or provisions for associations of individual owners proposed within a Corporate Park (CP) District shall be included as a part of the preliminary development plan.
- iv. **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.

**B. Review Process.**

- i. **Completeness and Compliance.** Applications for Corporate Park Plan of Development are reviewed for completeness and compliance with Town code by the Director of Planning and Zoning, the Director of Public Works, the Director of Parks and Recreation, and the Zoning Administrator.
- ii. **Transmission to Planning Commission.** Once staff review is complete, the application will be transmitted to the Planning Commission for review at a regular meeting. The Planning Commission shall make a recommendation on the application to the Town Council.
- iii. **Final Decision by Town Council.** The application and Planning Commission's recommendation are then transmitted by the Director of Planning and Zoning to the Town Council for review and determination at a public hearing. Town Council shall review and consider the application for compliance with the Corporate Park (CP) District requirements in this Chapter and determination that the proposed development will achieve the following:
  - a. A maximum of coordination between the proposed use and the surrounding uses.
  - b. Harmony with the character of the surrounding neighborhood and consistent with the overall long-range plans for the community
  - c. Adequately landscaped, buffered, and screened; and
  - d. Will not result in traffic hazards.

**9. Parks Zones (PR & PC).**

**A. Full Submission Requirements.** The Director of Public Works and the Zoning Administrator shall require a site plan submission that fulfills the requirements of the complete site plan submission checklist.

**B. Application Review and Process.**

- i. **Completeness and Compliance.** Applications for site plans for development in the Parks and Recreation or Parks and Conservation zones are reviewed for completeness and compliance with Town code by the Director of Planning and Zoning, the Director of Public Works, the Director of Parks and Recreation, and the Zoning Administrator.

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- ii. **Transmission to Planning Commission.** Once staff review is complete, the application will be transmitted to the Planning Commission for review at a public hearing. The Planning Commission shall make a recommendation on the application to the Town Council.
- iii. **Final Decision by Town Council.** The application and Planning Commission's recommendation are then transmitted by the Director of Planning and Zoning to the Town Council for review and determination at a public hearing.

### 10. Infill Lot Plan and Lot Grading Plan, Residential Application.

- A. **Full Submission Requirements.** The Director of Public Works and the Zoning Administrator shall require a site plan submission that fulfills the requirements of the complete site plan submission checklist.
- B. **Application Review and Process.**
  - i. **Completeness and Compliance.** Applications for Infill Lot Plans are reviewed for completeness and compliance with Town code by the Director of Planning and Zoning, the Director of Public Works, the Director of Parks and Recreation, and the Zoning Administrator.
  - ii. **Final Approval by the Zoning Administrator and Director of Public Works.** The Zoning Administrator and Director of Public Works issue the final stamped site plan and the Town of Vienna site and zoning review approval letter.

### 11. Appeals.

- A. **Administrative Zoning Decisions.** The zoning decisions made by the Director of Planning and Zoning and the Zoning Administrator on any site plan applications may be appealed by the process within [§18-820 Appeals of Zoning Administrator Decision](#).
- B. **Town Council Decisions.** Decisions by Town Council may be appealed to the Circuit Court.

## Section 18-837 Subdivision, Lot Line, and Boundary Adjustment

Processes related to subdivisions, lot line and boundary adjustments can be found in [Article 6](#).

## Section 18-838 Temporary Use Permit

1. **Temporary Uses Requiring a Permit.** The following temporary uses identified in [Article 3](#) require approval of a Temporary Use Permit prior to commencement of the desired use:
  - A. Construction Site Office and Storage ([§18-319](#))
  - B. Farmers Market ([§18-325](#))
  - C. Model Home Sales or Leasing Office/Trailer ([§18-334](#))
  - D. Portable Storage Container Permit ([§18-338](#))
  - E. Shelter, Hypothermia Prevention ([§18-344](#))
2. **Permit Validity.**
  - A. **Portable Storage Container.** No permit for a Portable Storage Container is valid for greater than thirty (30) days. No lot may have a Portable Storage Container Permit for longer than a total of thirty (30) days in any consecutive twelve (12) month period.

**B. Portable Storage is Exempt if Part of An Active Building Permit.** During bona fide construction activity, where there is valid building permit in place on such lot, and for an additional period of twenty-four (24) hours before and after such construction, a portable storage container used in connection with such construction activity may remain for a period not exceeding a total of six months in any 12-month period.

**3. Application and Review Process.**

**A. Review for completeness and compliance.** Applications for Temporary Use Permits are reviewed by the Director of Planning and Zoning, and the Zoning Administrator for completeness and compliance with all applicable requirements of this Code.

**B. Final Decision.** The Zoning Administrator will issue a permit with conditions and expiration date of permit.

**4. Appeals.** The zoning decisions on a Temporary Use Permit application may be appealed by the process within §18-820 Appeals of Zoning Administrator Decision.

**Section 18-839 Trailers, Public Use or Temporary Residential.**

**1. Public Use Trailers.** A public use trailer, for uses specified in Article 3 and defined in Article 9, may be permitted to serve an interim need as part of a permitted public use, subject to the following standards and procedures:

**A. Authorized by Town Council.** The Town Council may approve, for a period of up to three years, a public-use trailer or manufactured home for temporary public use upon finding that such installation complies with the applicable provisions of this chapter and is consistent with the conditions of any permit for the principal use issued pursuant to Article 3.

**B. Extension of Time.** The Council, upon a finding that the public health, safety and welfare of the Town will not be thereby impaired, may extend the time allowed for a public use trailer for additional periods of up to two years, each pursuant to submission of an application for Modification of Requirement as outlined in §18-830.

**C. Consistency with approved plans.** All public use trailers must comply with all provisions of this Chapter and be consistent with all conditions of any existing conditional use permit, or as shown on an approved site plan with any approved modifications of requirement.

**D. Town Manager may approve interim use.** The Town Manager may approve the installation of a public use trailer or public use manufactured home to respond to exigent needs. Such approval shall be for an interim period, not to exceed one school year, pending satisfaction of the requirements of this section.

**2. Temporary Residential Trailers.**

**A. Authorized by Town Council.** Town Council may authorize the temporary use of a trailer or mobile home as a dwelling for a period not to exceed six months by residents, of the Town when the Town Council is first satisfied that such temporary use is required during reconstruction of a dwelling located in the Town and formerly occupied by said residents which dwelling has been destroyed or rendered uninhabitable by fire or other disaster not willfully caused by such residents.

**B. Revocation of permit.** Any such authorization of the Town Council pursuant hereto may be revoked by the Town Council prior to expiration of the six (6) month period if revocation is deemed by the Town Council to be necessary in the public interest.

**Section 18-840 Windover Heights Certificate of Appropriateness**

- 1. Certificate of Appropriateness Required.** Review by the Windover Heights Board of Review is required before the issuance of a building permit or zoning permit for the following actions within the Windover Heights Historic District:
  - A. Erection of a building, accessory building, structure, fence, or sign.
  - B. Changing or altering the exterior architectural character of an existing building, accessory building, or structure to that degree which requires obtaining a building permit.
- 2. Exceptions to when a Certificate of Appropriateness is Required.** A certificate of appropriateness shall not be required in the following cases:
  - A. Erection, alteration or reconstruction of buildings, accessory buildings, structures, fences, or signs when no part of such improvement is subject to public view at any time of the year from a public street, way, or place.
  - B. Repair or replacement of any part of an existing building, including accessory building, structure, fence or sign when using substantially similar materials and maintaining the same architectural features.
  - C. Repair or replacement of a roof on an existing building or accessory building even if different colors or materials are used. However, any change to the existing roofline or profile of the roof shall require a certificate of appropriateness.
  - D. Repair or replacement of existing stoops, porches, entryways, windows, or doors; or the repair, replacement or addition of screens, storm doors, or storm windows.
  - E. Erection of a shed or other accessory structure which does not require a building permit.
  - F. Construction of an in-ground swimming pool. However, a pool constructed so that any part, excepting handrails or diving boards, is more than eighteen (18) inches above ground shall require a certificate of appropriateness.
  - G. The painting or repainting of an existing building, accessory building, structure, fence, or sign.
- 3. Criteria for Review.**
  - A. In its review of any application for a certificate of appropriateness, the Windover Heights Board of Review, or the Town Council, on appeal, shall consider the following aspects of a building, accessory building, structure, fence, or sign:
    - i. Exterior architectural features, including all signs, which are subject to public view at any time of the year from a public street, way or place.
    - ii. General design and arrangement.
    - iii. Texture and material.
    - iv. The relation to similar features of buildings, accessory buildings, structures, fences, or signs in the immediate surroundings.
    - v. Harmony or incongruity with the old and historic aspect of the surroundings.
    - vi. The extent to which historic places and areas of historic interest in the district will be preserved or protected.

vii. Special public value because of architectural and other features which relate to the cultural and artistic heritage of the Town.

B. The board shall not consider interior arrangement, or relative size of the building, accessory building, structure, fence, or sign.

**4. Site Survey Required.** All Windover Heights Board of Review applications shall be submitted with a site plan drawn by a licensed surveyor showing existing lot conditions and the proposed improvements when applicable.

**5. Site Plan May be Required.** Windover Height Board of Review applications associated with a project with two thousand five hundred (2,500) square feet or more of land disturbance require an Infill Lot Plan or Lot Grading Plan.

**6. Application and Review Process.**

A. **Review for completeness.** Applications for the Windover Heights Board of Review are reviewed for completeness by the Director of Planning and Zoning and the Zoning Administrator.

B. **Application deemed complete.** Once the Director of Planning and Zoning and the Zoning Administrator deem the application to be complete, the application and supporting materials are transmitted to the Windover Heights Board of Review.

C. **Final Decision.** The Windover Heights Board of Review shall hear the application and reach a decision of approval, approval with modifications, or denial. The Board may defer its decision and request more information to be transmitted at a future meeting.

D. **Building Permit Application.** Only after the Board has made a final decision, and no appeals have been made, the Director of Planning and Zoning and Zoning Administrator may accept the Building Permit applications for the proposed application. See [§18-822](#), Building Permits.

**7. Appeals.**

A. **Right to Appeal within thirty (30) days.** Any person jointly or severally aggrieved by any decision of the board, including any applicant, any citizen of the Town, and the Town through its Zoning Administrator, may appeal such decision to the Town Council by filing with the Town clerk a written request for appeal. Such appeal shall be filed within thirty (30) days after the decision has been made by the board.

**B. Town Council to hear appeal.**

i. The Town Council shall, within thirty (30) days of receipt of such written request, or within a longer period if agreed upon by the applicant, grant such applicant a full hearing at a public meeting.

ii. Within thirty (30) days of such hearing, and after consultation with the board, the Town Council may reverse or modify the decision of the Board, in whole or in part, or it may affirm the decision of the Board.

### Section 18-841 Zoning Administrator Determination

- 1. Purpose.** The Code of Virginia empowers the Zoning Administrator to interpret the Zoning Ordinance when there is a need for clarity in the application and administration of zoning regulations, either generally or as applied to a specific property. To this end, the Zoning Administrator issues written determinations and advice memorializing such interpretations and findings of fact.
- 2. Application to Zoning Administrator.** Applications for Zoning Administrator determinations are submitted for review and response to the Zoning Administrator and the Director of Planning and Zoning.
- 3. Appeals.** Determinations by the Zoning Administrator may be appealed by the process within [§18-820 Appeals of Zoning Administrator Decision](#).

### Section 18-842 Zoning Map Interpretation

- 1. Authority to decide interpretation of district boundary.** The Board of Zoning Appeals is authorized to interpret 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 zoning code for the section or district in question.
- 2. Interpretation shall not result in re-zoning of property.** The Board of Zoning Appeals shall not have the power, however, to re-zone property or substantially to change the locations of district boundaries as established by this chapter, or to change the locations of zone boundaries as established by the zoning map.
- 3. Public Hearing shall be Held.** The Board of Zoning Appeals shall hold a public hearing and give notice of the time and place thereof as prescribed in [Division 5](#).

### Section 18-843 Zoning Variance

- 1. Variances are allowed from requirements of this Chapter.** The Board of Zoning Appeals shall have the power to grant, upon appeal or original application in specific cases, such variance from the terms of this chapter provided the burden of proof shall be on the applicant for a variance to prove by a preponderance of the evidence that the application meets the standard for a variance and the criteria set out in this section.
- 2. Modification of Requirements.** Modification of Requirements, as described within [§18-830](#), are not Zoning Variances, and the modifications that are eligible for site plan applications are not also eligible for Zoning Variances.
- 3. Submission Requirements.**
  - A. Site Survey or Infill Lot Plan.** All Zoning Variance requests shall be submitted with a site plan drawn by a licensed surveyor, showing existing lot conditions.
  - B. Site Survey Showing Proposed Conditions.** A site survey must be provided, showing the proposed specific improvements and the proposed variance from the Zoning Code.
  - C. Architectural Plans Required.** Variance requests that include the construction of an addition to an existing home or a new structure must include architectural elevations drawn by a licensed architect or other design professional. The architectural plans must be specific and complete as to the variance requested from the Zoning Code.

4. **Criteria for Approval.** Notwithstanding any other provision of law, general or special, a variance shall be granted if the evidence shows that the strict application of the terms of the ordinance would unreasonably restrict the utilization of the property or that the granting of the variance would alleviate a hardship due to a physical condition relating to the property or improvements thereon at the time of the effective date of the ordinance, and:
  - A. The property interest for which the variance is being requested was acquired in good faith and any hardship was not created by the applicant for the variance;
  - B. The granting of the variance will not be of substantial detriment to adjacent property and nearby properties in the proximity of that geographical area;
  - C. The condition or situation of the property concerned 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 the ordinance.
  - D. The granting of the variance does not result in a use that is not otherwise permitted on such property or a change in the zoning classification of the property; and,
  - E. The relief or remedy sought by the variance application is not available through the Conditional Use Permit process or, when permitted by this Chapter, determination by the Zoning Administrator.
5. **Application and Review Process.**
  - A. **Pre-Application Meeting.** Applicant is required to attend a pre-application meeting with Town staff prior to submitting an application for a Zoning Variance. See §18-833 Pre-Application Meeting.
  - B. **Review for completeness.** An application for a Zoning Variance is reviewed for completeness by the Director of Planning and Zoning and the Zoning Administrator. The application may be referred to the Director of Public Works if determined to be necessary by the Zoning Administrator.
  - C. **Application deemed complete.** Once the Director of Planning and Zoning and the Zoning Administrator deem the application to be complete, the application and supporting materials are transmitted to the Board of Zoning Appeals.
  - D. **Action by the Board of Zoning Appeals.**
    - i. **Final Decision.** The Board of Zoning Appeals has the final decision authority on Zoning Variances.
    - ii. **Board may Impose Conditions.** 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 ensure that the conditions imposed are being and will continue to be complied with.
6. **Appeals.** Decisions by the Board of Zoning Appeals may be appealed to the Circuit Court per the Code of Virginia, §15.2-2285, 1950, as amended.
7. **Variance Valid for six (6) months from Approval.** Any variance authorized by the board to permit the erection or alteration of a building or structure shall be valid only for six months. Within the six months, a Building Permit must be obtained for the approve variance to remain valid.

## DIVISION 5. NOTIFICATIONS

### Section 18-844 Notifications Generally

1. **Required Notice for Public Hearing.** Each public hearing involving planning and zoning matters before the Town Council, Planning Commission or Board of Zoning Appeals requires notice, as set out in §15.2-2204 of the Code of Virginia, 1950, as amended, and as set forth below.
2. **Responsibility for Notification.** In any case requiring public notification, as shown in §18-804 and §18-805, the Director of Planning and Zoning shall send any notice required by this section and §15.2-2204 of the Code of Virginia, 1950, as amended.
3. **Cost of Notice.** The cost of any notice required by this section shall be paid by the applicant. The cost of placing the original newspaper notice is included in the application fee. The cost of newspaper notices for re-hearings or additional hearings required by the applicant's actions shall be paid separately by the applicant.
4. **Certification.**
  - A. At least five (5) calendar days prior to the hearing, an affidavit, prepared by the person or persons providing all forms of notice, shall be filed with the Director of Planning and Zoning certifying that all required notices have been sent or posted.
  - B. Such affidavit of notification shall include the following attachments:
    - i. A list of names of those to whom notice was sent.
    - ii. Copy of the written notice sent.
    - iii. Proof of copy posted in the newspaper.
    - iv. Photos of placard notice postings.
  - C. A copy of such affidavit shall be included with the application packet presented at the beginning of the public hearing on the application.
5. **Failure to Receive Notice.** Failure by any person to receive any notice of a hearing required by this section, in and of itself, shall not invalidate any action taken at or subsequent to the hearing.
6. **Joint Hearing.** The Planning Commission and Town Council may hold a joint public hearing after public notice as set forth in this subsection. If a joint hearing is held, then public notice as set forth in this subsection need be given only by the Town Council.
7. **Continued Hearing.** If the hearing is continued, notice of such continuation shall be provided in the same manner as the original notice.
8. **Deferral.** If an item is not heard at the time for which it was noticed and the public hearing is not opened, but is deferred at that time to another date, all notice required by this section shall be given for the new date of the deferred public hearing.
9. **Closed Public Hearings.** If a public hearing is closed but the particular agenda item is not completed, no additional notice is required as long as the date(s) for completion of the public hearing agenda is announced at the hearing that has been closed.

### Section 18-845 Summary of Notifications Table and Abbreviations Used

1. The following table in §18-846 summarizes the types of notification required for identified application and review processes.
2. The table includes notifications required by the Code of Virginia, 1950, as amended, as well as courtesy notifications required by the Town of Vienna.
3. The abbreviations in this section apply to the table in §18-846. Each cell is located at the intersection of a row and a column, and the meanings of the abbreviations are as follows:
  - A. **R - Required**

A "R" in a table cell indicates that type of Notification is required by the Code of Virginia, 1950, as amended, or Town Code, for the identified stage review for the application or review process in that row.
  - B. **C - Courtesy**

A "C" in a table cell indicates that type of Notification is provided as a courtesy for the identified stage review for the application or review process in that row.
  - C. **L - Letters**

A "L" in a table cell indicates that letters, not postcards, must be used as the form of written notice.
  - D. **P - Postcards**

A "P" in a table cell indicates that postcards may be sent as the form of written notice.
  - E. **"-"**

An "-" in a table cell indicates that form of notification in that column is not required for the application or review process in that row.

**Section 18-846 Notifications Table**

APPLICATION/ REVIEW PROCESS TYPE	REVIEW & DECISION MAKING AUTHORITIES	WRITTEN NOTICE			PLACARD NOTICE	NEWSPAPER NOTICE
		Applicant/ Owner	Surrounding Property/ Business Owners	Fairfax County Executive/ Designee		
<b>R = REQUIRED / C = COURTESY / L = LETTER / P = POSTCARD</b>						
Conditional Use Permit	Planning Commission	C/L	C/P	C/L	C	-
	Board of Zoning Appeals	R/L	R/P	R/L	R	R
Modification of Requirement	Planning Commission	R/L	C/L	-	C	-
	Town Council	R/L	R/L	-	C	-
Proffer Amendment	Planning Commission	R/P	R/P	R/L	R	R
	Town Council	R/P	R/P	R/L	R	R
Rezoning, Text, and Map Amendments	Planning Commission	R/L	R/L	R/L	R	R
	Town Council	R/L	R/L	R/L	R	R
Site Plan, Avenue Center Amenity Overlay (AC-O)	Town Council	C/P	C/P	-	C	-
Site Plan, Church Street Vision (CS-O)	Town Council	C/P	C/P	-	C	-
Site Plan, Corporate Park (CP) District	Planning Commission	C/P	C/P	-	C	-
	Town Council	C/P	C/P	-	C	-
Site Plan, Parks Zones (PC & PR)	Planning Commission	R/L	R/L	-	R	R
	Town Council	R/L	R/L	-	R	R
Subdivision, Lot Line, and Boundary Adjustment	Planning Commission		C/P	-	C	-
	Town Council	R/P	C/P	-	C	-
Windover Heights Application	Windover Heights Board of Review	C/L	C/L*	-	-	-
Zoning Administrator Interpretation/ Determination	Zoning Administrator	R/L	-	-	-	-

\* Note: For the Windover Heights Board of Review applications, only the surrounding properties within the WHBR district are notified.

**Section 18-847 Written Notice**

**1. Timeframe and Type of Mailed Notice.**

- A. Notice shall be sent at least five (5) calendar days before the hearing and no more than twenty-one (21) days before the hearing, by registered or certified mail, to the last known address of an owner as listed in the current Fairfax County real estate tax assessment records or current real estate tax assessment books.
- B. Notice may be given by regular mail in any instance in which two (2) or more notices are required for the same action, provided the first notice is sent by certified or registered mail as required.

**2. Contents of Written Notice.** All required written notices shall contain:

- A. The time, date and place of hearing;
- B. A brief description of the matter being heard;
- C. Information, such as a web site reference, showing how more information regarding the application can be obtained.
- D. Identification of the land that is the subject of the application (including the tax map number of the property and complete street address of the property, if any); and
- E. The assigned case file number.

**3. Written Notice for Town Agency.** Notwithstanding any other provisions of this section, whenever the notices required under this section are sent on behalf of an agency, department or division of the Town, such notice shall be sent by the Zoning Administrator and may be sent by first class mail; and the Zoning Administrator shall make affidavit that such mailings have been made and file such affidavit with the papers in the case.

**4. Recipients of Notification.** Written notice of any public hearing where notification is required shall be provided to:

- A. **Owners and Agents.** The owner or owners, their agent, and/or the occupant of each parcel involved; and to the owner or owners, their agent and/or the occupant of all abutting property and property immediately across the street or road from the property affected, including those properties that lie in other localities of the Commonwealth.
- B. **Condominium Ownership.** In the case of a condominium, written notice may be sent to the unit owners' association or proprietary lessees' association, respectively, in lieu of each individual unit owner.
- C. **Fairfax County.** When a comprehensive plan amendment, zoning map amendment, or special exception application, such as conditional use permits or special use permits, involves any parcel of land located within one-half (1/2) mile of a boundary of an adjoining locality of the Commonwealth, written notice of the application shall be given by the local commission, or its representative, at least ten (10) calendar days before the hearing to the chief administrative officer, or designee, of such adjoining locality.
- D. **In the Case of Public Land.** When a proposed amendment to the zoning ordinance involves a tract of land not less than five hundred (500) acres owned by the Commonwealth or by the federal government, and when the proposed change affects only a portion of the larger tract, notice need be given only to the owners of those properties that are adjacent to the affected area of the larger tract.

- E. **Notice to Owner if Applicant is not the Owner or Representative.** When any applicant requesting a written order, requirement, decision, or determination from the zoning administrator, other administrative officer, or a board of zoning appeals that is subject to the appeal provisions, is not the owner or the agent of the owner of the real property subject to the written order, requirement, decision or determination, written notice shall be given to the owner of the property within ten (10) days of the receipt of such request.

**Section 18-848 Placard Notice**

1. **Timeframe of posting.** Placard notice shall be posted by the Zoning Administrator or their agent, using a form of placard approved by the Town Council, at least fifteen (15) calendar days and no more than twenty (20) calendar days prior to each public hearing.
2. **Contents of Placards.** Placards shall contain:
  - A. The time, date and place of the hearing;
  - B. The type(s) of application(s) and assigned case file number(s);
  - C. Identification of the board, commission or Town Council holding the hearing; and
  - D. Information, such as a web site reference, showing how more information regarding the application can be obtained.
3. **Location of Placards.** Placards shall be affixed to a pole, post, fence or other structure to be clearly visible from each public road abutting the property. If no public roads abut the property, then the placard shall be posted so as to be clearly visible from at least two abutting properties and at the access points to said property.
4. **Certification of posting.** Certification of placard posting shall be provided to the Director of Planning and Zoning , except that such certification shall be provided to the Zoning Administrator for public hearings before the Board of Zoning Appeals.
5. **Maintenance and Removal of Placards.** The applicant shall maintain all placards up to the time of the hearing and shall remove all posted placards no later than fifteen (15) calendar days after the public hearing has been closed.
6. **Penalties.** It shall be unlawful for any person to destroy, deface or remove such placard notice. Any person taking such action shall be subject to the penalties set forth in [Article 8 Division 6](#).

**Section 18-849 Newspaper Notice**

- 1. News Paper(s) of Local Circulation.** Notice shall be published in a newspaper or newspapers of general circulation in the Town of Vienna.
- 2. Time of Newspaper Notice.**
  - A. The notice shall appear at least once a week for two (2) successive weeks with not less than six (6) days elapsing between the first and second publication.
  - B. The first notice shall appear no more than fourteen (14) days before the hearing.
- 3. Contents of Newspaper Notice.** The notice shall contain the following:
  - A. The time, date and place of the hearing;
  - B. A brief description of the matter being heard;
  - C. Identification of the land that is the subject of the application including the property tax identification number, tax map number and complete address of the property, if any;
  - D. In the case of a zoning map amendment, the notice shall include any proposed amendment to an approved concept plan, any proposed modification of ordinance regulations, the general usage and density range of the proposed zoning amendment,
  - E. The assigned case file number.
  - F. References to the place or places in the Town where copies of the proposed plans, ordinances or amendments may be examined.
  - G. Information, such as web site reference, showing how more information regarding the application can be obtained.

## DIVISION 6. ENFORCEMENT, COMPLIANCE, AND PENALTIES

### Section 18-850 Compliance Required

1. Compliance with all the procedures, standards, and other provisions of this Chapter is required by any person owning, developing, managing, using, or occupying land or structures in the Town.
2. **When a Permit, Order, or Certificate is Required.** It shall constitute a violation of this Chapter for any person (whether owner, agent, or occupant) to do any of the things for which a permit, order or certificate is required by this Chapter without having first obtained the said permit, order or certificate.
3. **Approval Must be Obtained Prior to Development.** All permits and development approvals required by this Chapter must be obtained prior to disturbing or developing land.
4. **Permit Authorizes Work Only Described Within.** Each permit or development approval authorizes only the development set forth in that permit or development approval.

### Section 18-851 Violations Generally

1. **Complaints and Investigation.** Whenever a violation of this Chapter occurs, or is alleged to have occurred, any person may make a complaint to the Zoning Administrator, identifying the property and the condition believed to constitute the violation. The Zoning Administrator will make a record of complaints received, promptly investigate, and act to ensure compliance with this Chapter, if appropriate and warranted.
2. **Each Day Shall Constitute a Separate Offense.** Each day during which a violation is found to have existed shall constitute a separate offense. However, specified violations arising from the same operative set of facts shall not be charged more frequently than once in any ten (10) day period.
3. **Other Penalties allowed by Code of Virginia.** The Zoning Administrator may exercise any other penalties allowed by the Code of Virginia for violations of this Chapter.

### Section 18-852 Notice of Violations and Penalties

1. **Preliminary Notification of Violation.** The Zoning Administrator, or a representative, may provide a preliminary notification to any person, business or property suspected of a violation of this Chapter. This preliminary notification is not a formal determination and is not subject to appeal.
2. **Notice of Violation.** When the Zoning Administrator has determined that a violation of this Chapter has occurred, the Zoning Administrator will provide written notice of the violation to the owner of the land on which the violation exists and/or the responsible parties. The Notice shall:
  - A. Describe the location and nature of the violation.
  - B. Order that the violation be corrected within a specified time.
  - C. State the action(s) that may be taken if the violations are not corrected, though the actions listed may not be exhaustive.
  - D. State that the recipient may have the right to appeal the notice within ten (10) days of receipt for temporary or seasonal, or similar short-term, recurring violations; and within thirty (30) days for all other violations, in accordance with Code of Virginia §15.2-2311 and §18-820 Appeals of Zoning Administrator Decision; and that the decisions will be final and unappealable if not appealed within the time limit.

- E. State the appeal fee, if any, and include a reference to where additional information may be obtained regarding filing of an appeal.
- 3. **Notice Sent by Registered or Certified Mail.** Such notification will be sent by registered or certified mail to the last known address of the recipient of each notice.
- 4. **Zoning Administrator May Post Notice.** If the owner of the land or responsible party cannot be located or determined, the Zoning Administrator, or any agent, will post a notice on the building, structure, sign, or site that is the subject of the violation.
- 5. **Notice to Fairfax County.** Where the violation of this Chapter involves the construction or alteration of structures that require a Building Permit, the Zoning Administrator may contact Fairfax County officials to make them aware of the violation.

### Section 18-853 Responsible Parties

- 1. **Parties May be Held Jointly and Severally Liable.** All persons responsible for a violation of this Chapter may be held jointly and severally liable for the violation. Any person who violates this Chapter is subject to the remedies and penalties set forth in this article.
- 2. **Person, Meaning.** For the purposes of this article, “person” includes an individual, corporation, government agency, government official, business trust, partnership, two or more persons having a joint interest, or any other legal entity.
- 3. **Persons Subject to Penalties.** Persons subject to the penalties established in this article include the owner, tenant, or occupant of the land or structure that is in violation of this Chapter, and a builder, contractor, agent, or any other person who knowingly causes a violation (e.g., knowingly erecting a structure that violates the plans or conditions of an approved development application).
- 4. **Last Known Address.** There shall be a rebuttable presumption that the last known address of a responsible party is that shown on the current real estate tax assessment records, or the address of a registered agent that is shown in the records of the Clerk of the State Corporation Commission.
- 5. **Contact Responsible Parties.** The Zoning Administrator shall try to contact any responsible party when the existence of a violation has been established to discuss the process to abate the violation. This communication may include a time limit for the receipt of an application or for the violation to cease prior to the issuance of a Notice of Violation.

### Section 18-854 Civil Violations and Penalties

- 1. Any violation of the following zoning provisions of this Chapter shall be deemed a civil violation:
  - A. **To Act Without a Permit When One Is Required.** When land is disturbed or developed without first obtaining all appropriate permits and development approvals as required by this Chapter it shall be deemed a violation of this Chapter subject to a Civil Penalty.
  - B. **Failure to Comply with the Terms or Conditions of an Approved Permit.** If during the development of land or land disturbance associated with a permit, conditions or terms of that permit are not adhered to by the applicant or any contactors acting on their behalf, it shall be deemed a violation of this Chapter subject to a Civil Penalty.

- C. **To Act Without a Use Permit or Certificate of Occupancy When One Is Required.** If a business or owner commences the occupancy, use, change of use, or continuation of a use following the change in ownership or proprietary control of such use of any building or business, or increase the intensity or density of such use without an accurate use permit as required by this Chapter, it shall be deemed a violation of this Chapter subject to a Civil Penalty.
  - D. **To Occupy a Residential Structure without a Certificate of Occupancy.** When one or more persons occupy a residential structure without first obtaining a Certificate of Occupancy required per this Chapter, it shall be deemed a violation of this Chapter subject to a Civil Penalty.
  - E. **Failure to Comply with Any Requirement or Condition of an Approved Site Plan and/or a Conditional Use Permit.** Deviations from the terms and conditions of an approved site plan and/or Conditional Use Permit shall be deemed a violation of this Chapter subject to a Civil Penalty.
  - F. **Installation or Display of Permanent Signage Without Approval.** The installation or display of permanent exterior signage without the required approvals, per this Chapter, by the Board of Architectural Review and **Chapter 4 – Design Control Districts**, of the Code of Vienna, shall be deemed a violation of this Chapter subject to a Civil Penalty.
  - G. **Improper Display of Temporary Signage.** The display of other temporary signage that is in violation of the temporary sign regulations, including but not limited with respect to duration of display, size, and location.
  - H. **Failure to Comply with Standards of Article 3 - Uses.** If a use is commenced that does not comply with **Article 3 – Uses** of this Chapter, by change of use, or increases in the intensity or density of such use without an approved use permit as required by this Chapter, it shall be deemed a violation of this Chapter subject to a Civil Penalty.
  - I. **Including a False Statement.** If the Zoning Administrator determines that any permit or certificate was issued upon a false statement that was material to the issuance thereof, it shall be deemed a violation of this Chapter subject to a Civil Penalty.
  - J. **Overnight Parking of Commercial Vehicle in Residential Zone.** The failure to comply with the standards for the parking of commercial vehicles in residential zones shall be deemed a violation of this Chapter subject to a Civil Penalty.
2. **Penalty for Any One Violation.** The penalty for any one violation shall be a civil penalty of not more than \$200 for the initial summons and not more than \$500 for each additional summons. Each day during which the violation is found to have existed shall constitute a separate offense.
3. **Shall Not Be Charged More Frequently Than Once in Any 10-Day Period.** Specified violations arising from the same operative set of facts shall not be charged more frequently than once in any ten (10) day period, and a series of specified violations arising from the same operative set of facts shall not result in civil penalties that exceed a total of \$5,000.
4. **Violation Shall Be Tried in The General District Court.** If a person charged with a scheduled violation does not elect to enter a waiver of trial and admit liability, the violation shall be tried in the general district court in the same manner and with the same right of appeal as provided for by law. In any trial for a scheduled violation authorized by this section, it shall be the burden of the locality to show the liability of the violator by a preponderance of the evidence. If the violation remains uncorrected at the time of the admission of liability or

finding of liability, the court may order the violator to abate or remedy the violation in order to comply with the zoning ordinance. Except as otherwise provided by the court for good cause shown, any such violator shall abate or remedy the violation within a period of time as determined by the court, but not later than six months of the date of admission of liability or finding of liability. Each day during which the violation continues after the court-ordered abatement period has ended shall constitute a separate offense. An admission of liability or finding of liability shall not be a criminal conviction for any purpose.

5. **In Lieu of Criminal Sanctions.** Designation of a particular zoning ordinance violation for a civil penalty pursuant to this section shall be in lieu of criminal sanctions, and except for any violation resulting in injury to persons, such designation shall preclude the prosecution of a violation as a criminal misdemeanor, provided, however, that when such civil penalties total \$5,000 or more, the violation may be prosecuted as a criminal misdemeanor.
6. **Penalties Cumulative.** The remedies provided for in this section are cumulative and not exclusive and, except as otherwise, shall be in the addition to any other remedies provided by law.

### Section 18-855 Other Violations and Penalties

1. **Criminal Violations and Penalties.** When not specified in §18-854, or other section of this Chapter, all other violations of this Chapter are misdemeanors, punishable by a fine of not more than \$1,000. If a violation is uncorrected at time of conviction, the court shall order the violator to abate or remedy the violation within a specified time period. Failure to remove or abate a violation within the specified time period constitutes a separate misdemeanor offense punishable by a fine of not more than \$1,000. Failure to correct the violation during the succeeding ten (10) days is punishable by a fine of up to \$1,500, and failure to correct during the succeeding ten (10) days is punishable by a fine of not more than \$2,000.
  - A. **Designation of Civil Penalty in Lieu of Criminal, Exceptions.** Designation of a particular zoning ordinance violation for a civil penalty pursuant to this section shall be in lieu of criminal sanctions; such designation shall preclude the prosecution of a violation as a criminal misdemeanor.
  - B. **Violations resulting in injury.** Except for any violation resulting in injury to persons, or, when such civil penalties total \$5,000 or more, the violation may be prosecuted as a criminal misdemeanor.
2. **Failure to Maintain Landscaping.**
  - A. **Owners Shall Maintain Landscaping.** Owners of property within the Town shall maintain all landscaping and all planting areas installed pursuant to any provision of this Chapter and the Town Code of Vienna in compliance with regulations to be published from time to time by the Director of Planning and Zoning. Such regulations shall, among other elements, require the regular periodic mowing of grass, trimming of borders, fertilization and watering of all ground cover, shrubbery, and trees, application of insecticides to protect against infestation, removal of weeds, pruning of all plantings as necessary to maintain vigor and appearance, replacement of dead shrubs, trees, bushes and plants, and removal of trash, litter, garbage and debris.
  - B. **Notice of Deficient Maintenance.** Where any such landscaping or planting area is not maintained in compliance with subsection A of this section, the Zoning Administrator shall immediately notify the owner of the property on which such landscaping or

planting area is located of such deficient maintenance and request that the necessary maintenance work be performed. Such notice and request shall be by certified mail sent to the owner, postage prepaid. Where no address can be found, the letter herein referred to shall be posted in a conspicuous place on the property.

**C. Deficiencies Corrected by Town or Agent.** If the deficiencies in landscaping or planting area maintenance referred to in subsection 2 of this section have not been corrected by the property owner within ten (10) days from the date the letter referred to in this section has been mailed, or the notice posted, the Zoning Administrator shall cause the deficiencies to be corrected by Town forces or by a contractor of the Town.

**D. Cost of Same Shall Be Billed to the Owner.** Where deficiencies in the maintenance of landscaping or planting areas are corrected at Town expense by the Director of Planning and Zoning pursuant to subsection C of this section, the cost of same shall be billed to the owner of the property; and if such bill is not paid, it shall be added to the real estate bill on such property, and shall be a lien on such property to the same extent and effect as the real estate tax.

**3. Overcrowding.** Any conviction resulting from a violation of provisions regulating the number of unrelated persons in single-unit residential dwellings shall be punishable by a fine of up to \$2,000. Failure to abate the violation within the specified time period shall be punishable by a fine of up to \$5,000, and any such failure during any succeeding ten (10) day period shall constitute a separate misdemeanor offense for each ten (10) day period punishable by a fine of up to \$7,500. However, no such fine shall accrue against an owner or managing agent of a single-family residential dwelling unit during the pendency of any legal action commenced by such owner or managing agent of such dwelling unit against a tenant to eliminate an overcrowding condition in accordance with the Virginia Residential Landlord and Tenant Act (§ 55.1-1200 et seq.). A conviction resulting from a violation of provisions regulating the number of unrelated persons in single-family residential dwellings shall not be punishable by a jail term.

**4. Keeping of Inoperative Motor Vehicles, Etc.** It shall be unlawful for any person to keep, except within a fully enclosed building or structure, on any property zoned for residential, multifamily or commercial purposes, any motor vehicle, trailer or semitrailer as such are defined in Code of Virginia, § 46.2.100, which is inoperative except that one such inoperative motor vehicle may be kept outside of a fully enclosed building or structure if shielded or screened from view by an auto cover.

**A.** As used in this section, the term "inoperative motor vehicle" shall mean any motor vehicle which is not in operating condition; or which for a period of sixty (60) days or longer has been partially or totally disassembled by the removal of tires and wheels, the engine, or other essential parts required for operation of the vehicle or on which there are displayed neither valid license plates nor a valid inspection decal. However, the provisions of this section shall not apply to a licensed business which on June 26, 1970, was regularly engaged in business as an automobile dealer, salvage dealer or scrap processor.

**B. Removal of inoperative vehicles.**

**i.** The owner of property zoned for residential, multifamily or commercial purposes shall, at such time as the Town may prescribe, shall remove therefrom any such inoperative motor vehicles, trailers or semitrailers that are not kept within a fully enclosed building or structure.

- ii. The Town through its own agents or employees may remove any such inoperative motor vehicles, trailers or semitrailers, whenever the owner of the premises, after reasonable notice has failed to do so.
- iii. In the event the Town, through its own agents or employees, removes any such motor vehicles, trailers or semitrailers, after having given such reasonable notice, the Town may dispose of such motor vehicles, trailers or semitrailers after giving additional notice to the owner of the vehicles.
- iv. The cost of any such removal and disposal shall be chargeable to the owner of the vehicle or premises and may be collected by the Town as taxes and levies are collected.
- v. Every cost authorized by this section with which the owner of the premises has been assessed shall constitute a lien against the property from which the vehicle was removed, the lien to continue until actual payment of such costs has been made to the Town.

**C. Exception for vehicles with stored vehicle license plates.**

- i. Notwithstanding any of the provisions in subsections A and B of this section, the owner or property zoned for residential, multifamily or commercial purposes may store on any one parcel of such land one inoperative motor vehicle for the purpose of restoration for a period not to exceed six months after first obtaining from the department of finance a stored vehicle license plate and payment of a fee of \$50.00.
- ii. Such license plate shall at all times be displayed on the vehicle for which issued and shall be displayed in a conspicuous location which shall be visible from that public street or other public right-of-way nearest the location of the said stored vehicle unless that vehicle is not visible from said public street or other public right-of-way.

**5. Tree Canopy Coverage.** Violation of **Chapter 17** shall constitute a Class 3 misdemeanor punishable by fine of not more than \$250.00, and each day after the first during which such violation shall continue shall constitute a separate violation.

**6. Removal of Unsafe, Unlawful, or Abandoned Signs**

- A. Within 30 days of the date of written notice by the Town, the owner, person, or firm maintaining a sign shall correct violations when a sign becomes unsafe, is in danger of falling, is determined by the Town to be a nuisance in accordance with Town of Vienna Code **§10-20** – Nuisances, is deemed unsafe by the Town, or it is unlawfully erected in violation of any of the provisions of this article. Necessary actions to correct violations may require making repairs or removing the sign. The Town may require immediate removal of a sign if its condition poses an imminent danger.
- B. If the owner of the person or firm maintaining the sign has not complied with the terms of said notice within thirty (30) days of the date of the notice, the Town may remove or cause to be removed the sign at the expense of the property owner or authorized agent. In the event of immediate danger, the Town may remove the sign immediately without advance notice.
- C. Signs must be covered or removed once a property is abandoned or once the use for which a sign has been created and installed is no longer occupying the relevant site.



# ARTICLE 9. DEFINITIONS

# 9

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**Section 18-901 List of Abbreviations**

Abbreviations used in this Chapter are listed below with the term they abbreviate.

<b>ac</b>	acre
<b>ADA</b>	Americans with Disabilities Act
<b>BAR</b>	Board of Architectural Review
<b>BMP</b>	Best management practice
<b>BZA</b>	Board of Zoning Appeals
<b>CBPA</b>	Chesapeake Bay Preservation Area
<b>CMU</b>	concrete masonry unit
<b>FAR</b>	Floor Area Ratio
<b>FCC</b>	Federal Communications Commission
<b>ft</b>	foot or feet
<b>max</b>	maximum
<b>min</b>	minimum
<b>n/a</b>	not applicable
<b>PC</b>	Planning Commission
<b>RMA</b>	Resource Management Area
<b>RPA</b>	Resource Protection Area
<b>Sect.</b>	Section
<b>sf</b>	square feet
<b>USBC</b>	Uniform Statewide Building Code
<b>VDOT</b>	Virginia Department of Transportation
<b>VSMP</b>	Virginia Stormwater Management Program
<b>WMATA</b>	Washington Metropolitan Area Transit Authority
<b>WHBR</b>	Windover Heights Board of Review
<b>ZA</b>	Zoning Administrator

## Section 18-902 General Terms

Any term not herein defined shall be as defined elsewhere in the Town Code, or, if not defined elsewhere in the Town Code, as defined in Webster's New International Dictionary, most recent edition.

**Abut or abutting** means sharing one or more common boundaries or points; contiguous.

**Accessory building or structure** means any structure, other than a principal structure, used to facilitate an accessory use. The following are examples of accessory structures: utilities above or below ground, such as all necessary pumps, transformers, distribution structures or terminals; any generation, exchange, or treatment facility; garages; patios; barns, animal hutches; and swimming pools.

**Adjacent** means sharing a common boundary or separated by a right-of-way or water body.

**Adult business** means an establishment having as a substantial and significant portion of its stock or services that are distinguished or characterized by their emphasis on matter depicting, describing or relating to specified sexual activities or specified anatomical areas. For the purpose of this definition:

1. The term "specified sexual activities" means:
  - a. Human genitals in a state of sexual stimulation or arousal;
  - b. Acts of human masturbation, sexual intercourse or sodomy;
  - c. Fondling or other erotic touching of human genitals, pubic region, buttock or female breast; and
2. The term "specified anatomical areas" means:
  - a. Less than completely and opaquely covered:
    - i. Human genitals, pubic region;
    - ii. Buttock; and
    - iii. Female breast below a point immediately above the top of the areola; and
  - b. Human male genitals in a discernibly turgid state, even if completely and opaquely covered.

**Adult day support center** means a day care facility for adults but where neither residential nor in-patient services are provided.

**Aggregate caliper inches** means a measure of the total combined caliper inches for a group of trees.

**Agriculture, enclosed**, means all uses included in "Agriculture, general," but where such uses and activities are fully enclosed in structures. For example, an aquaponics operation that is fully within a building would be considered "Agriculture, enclosed." However, a pasture for cattle would not be considered an enclosed use and would not fall under this term.

**Agriculture, general**, means the production of vegetables, fruits, fish and seafood products, bee products, flowers, meats, animal products, mead, or wine, including the processing of such products and the storage of such products, feed, seed, fertilizers, treatments, and agricultural implements. This term also includes agritourism uses, such as farm tours, farm-to-table meals, cooking classes, wine tastings, and events.

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

**Alteration** means changing or altering the exterior architectural character of a building or structure.

**Alternative parking plan** means a plan that seeks to provide a reduced amount of off-street parking or deviate from the district's off-street parking location or configuration requirements based on site conditions or anticipated parking demand.

**Animal Care Facility** means a place where common household pets are cared for, such as for grooming, training, temporary boarding, and/or veterinary/animal hospitals. This definition does not include businesses that meet the definition of animal shelter.

**Animal Shelter** means any place designated to provide for the temporary accommodation of four or more common household pets that are stray or abandoned by their owners. This definition does not include a kennel, a veterinary hospital, or a zoo.

**Applicant** means any person, including any authorized agent, submitting an application for a permit or requesting approval under this chapter.

**Application** means a document or set of documents submitted in an effort to obtain permission to proceed with a particular action.

**Architectural features, major** means prominent or characteristic features of a building, attached to or protruding from an exterior wall or roof, such as bay windows, box windows, cantilevered floor areas, steeples, and cupolas.

**Architectural features, minor** means prominent or characteristic features of a building, attached to or protruding from an exterior wall or roof, such as windowsills, belt courses, cornices, eaves, steps, and chimneys; and ingress and egress improvements, such as basement areaways and window wells.

**Architectural front** means the façade of a building designed to serve as the primary entrance to the building, distinguished from the other facades by more elaborate architectural detail. The architectural front entry is not determined by custom or use but rather by the exterior and interior design of the building.

**As-built site plan** means a certified site plan showing the location of buildings and all on-site and off-site improvements as actually constructed.

**Atmosphere** means the air that envelopes 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.

**Attached garage, residential** means a portion of the principal building used or intended to be used as a private automobile garage, including attached carports, and having no provision for repairing or servicing such vehicles for profit.

**Awning** includes any structure made of cloth or metal or a frame attached or detached from a building and projecting therefrom, and possibly carried by frames supported at grade level.

**Balcony** means a platform projecting from the wall of an upper story, supported by brackets, columns or cantilevered system, with or without a roof, and enclosed by a railing or balustrade, with an entrance from the building.

**Basement** – See Article 2, §18-212

**Bed and breakfast** means a structure in which eight or fewer rooms are set aside for transient guests. Such rooms shall not have separate utilities, provisions for cooking or dormitories for sleeping and must be located within the principal structure.

**Best management practice (BMP)** means a practice, or combination of practices, that is determined by the commonwealth to be the most effective, practicable means of preventing or reducing the amount of pollution generated by non-point sources to a level compatible with state water quality goals.

**Bicycle parking** means a structure or facility used specifically for the storage of a bicycle so that it can be secured, including, but not limited to, bicycle racks, lockers and cages. For the purpose of this definition, a rack shall be considered two bicycle parking spaces. Long-term bicycle parking spaces shall be located in sheltered or weather-protected area.

**Bio-retention device** means a stormwater infiltration device consisting of an excavated basin that is refilled with engineered soil and mulch that allows stormwater run-off to collect and percolate through the engineered soil where it is treated prior to infiltrating into the surrounding undisturbed soil.

**Blighted property** means any buildings or improvements or combination thereof which, by reason of dilapidation, obsolescence, overcrowding, faulty arrangement of design, lack of ventilation, light and sanitary facilities, excessive land coverage, deleterious land use or obsolete layout, or any combination of these or other factors, are detrimental to the safety, health, morals, or welfare of the community.

**Boardinghouse** means a building other than a hotel where lodging, meals, or lodging and meals, are provided for three or more, but not exceeding nine, guests, on a non-transient basis.

**Brewpub** means a restaurant that produces beer, the production of which is an accessory use, intended for consumption on the premises.

**Buffer** means an area of land that provides a transition between two different zones or uses to help each blend more easily with the other and/or to reduce conflicts.

**Buffer area**, as it relates to Chesapeake Bay Preservation Areas, means an area of natural or established vegetation managed to protect other components of a resource protection area and state waters from significant degradation due to land disturbances.

**Building** means any structure used or intended for supporting or sheltering any use or occupancy.

**Building height** – See Article 2, §18-212

**Building materials storage and sales** means a facility where building materials such as lumber, plywood, drywall, paneling, cement blocks and other cement products, and other building products are stored and sold.

**By right** - see Permitted use.

**Cafeteria** means a dining facility where employees of a business or residents of a group living facility eat meals, which are typically prepared on-site but may also be prepared off-site and brought into the facility.

**Caliper** means the diameter of the main trunk of a tree or shrub when measured at 6 inches above the soil's surface.

**Canopy** means a permanent structure, attached or unattached to the building, that is not completely enclosed, for the purpose of providing shelter to patrons or automobiles, or as a decorative feature on a building wall. An awning made of cloth is not a canopy.

**Canopy tree (shade or large tree)** means a tree that has an expected height at maturity greater than thirty (30) feet and that produces significant shade because it has a crown that is oval, round, vase-shaped, or umbrella-shaped.

**Cardinal direction** means one of the four principal directions on a compass; that is, north, south, east, or west.

**Car wash** means the use of a site for washing and cleaning of passenger vehicles, recreational vehicles, or other light duty equipment in exchange for money. This term may include mechanical facilities. This term may include car washing uses that are accessory to vehicle fueling station uses, vehicle repair and maintenance uses, and/or vehicle storage uses.

**Carport** means any space outside a building and contiguous thereto, wholly or partly covered by a roof, and used for the shelter of motor vehicles.

**Catering, Principal Use** means an establishment in which the principal use is the preparation of food and meals on the premises, and where such food and meals are delivered to another location for consumption.

**Catering, Accessory Use** for a restaurant is an accessory use to restaurants in which food is prepared onsite and delivered to another location for consumption.

**Cemetery** means land used for or dedicated to the burial of the dead, including crematoriums, mausoleums, necessary sales, and maintenance facilities. Mortuaries shall be included when operated within the boundary of such cemetery.

**Center line** means a line lying midway between the proposed or desired street right-of-way.

**Chapter** means the Town of Vienna Zoning and Subdivision Ordinance.

**Chesapeake Bay Preservation Area (CBPA)** means any land designated by the Town Council pursuant to Code of Virginia, § 62.1-44.15:74. Chesapeake Bay Preservation Areas shall consist of resource protection areas and/or resource management areas.

**Child care center** means a program offered to (i) two or more children under the age of 13 in a facility that is not the residence of the provider or of any of the children in care, or (ii) 13 or more children at any location.

**Club or service organization** means an organization and its premises catering to members and their guests for social, philanthropic, intellectual, recreational, or athletic purposes, including lodges.

**College or technical school** means an institution that is certified to operate as a college or university by the State Council of Higher Education for Virginia, and that offers a program of post-secondary education and instruction leading to degrees or certificates. (Source: Fairfax County Zoning Ordinance, modified by staff)

**Combustion contaminants** means 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.

**Commercial off-street parking** means surface or structured parking lot established, separate from required parking for an adjacent use, to provide off-street parking to private vehicles possibly for a fee.

**Commercial vehicle** means a vehicle maintained or operated by a commercial establishment that is often parked or stored on the same lot as the commercial establishment.

**Common area** means shared space or amenity between unit owners or shareholders managed by an association or board. Common areas can include things such as yard space, a sports court, pool, or parking area.

**Community garden** means a private or public facility for cultivation of fruits, flowers, vegetables, or ornamental plants by more than one person or family.

**Companion animal** means any dog, cat, guinea pig, hamster, rabbit not raised for human food or fiber, reptile, exotic or native bird, or any animal under the care, custody, or ownership of a person or any animal that is bought, sold, traded, or bartered by any person. Wild or exotic animals are not included in this definition as defined in Vienna Town Code, [Chapter 3 Animals and Fowl, Article 4. Keeping of Wild, Exotic or Vicious Animals Prohibited](#).

**Composting drop-off facility** means a facility for the drop-off and temporary holding of compostable materials such as paper, food refuse, plant and vegetative matter, and yard waste. A composting drop-off facility is intended for household or consumer use; use by commercial or industrial establishments is not included.

**Comprehensive plan** means the plan as defined and provided for in Code of Virginia, [§15.2-2223–§15.2-2232](#), 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.

**Concrete masonry unit (CMU)**, also known as a cinder block, is a standard-size rectangular concrete block made from Portland cement, aggregate like stone and quartz, and water.

**Conditional use** means a use that may be approved by the Board of Zoning Appeals for a specific site, provided such approval includes conditions that mitigate adverse impacts to public health, safety and welfare on surrounding properties, and protect the public interest and the integrity of the comprehensive plan.

**Construction site office and storage** means the accessory use of a lot involving the temporary placement and use of a construction office and the temporary storage of construction materials on a property only during the construction phase of a development.

**Continuing Care Facility** means a facility that may consist of three (3) types of care, or any one or two types: a. Congregate Living Facility: a facility that provides independent living, which may be affiliated with, or located near, health care facilities. b. Adult Assisted Living: a facility for people who cannot live independently and who need assistance with daily chores and housekeeping. c. Nursing Home: a facility for individuals who require specialized nursing care on a regular basis but who do not need to be hospitalized. Such facilities may include, as an integral part, accessory commercial and other facilities and uses primarily for the use of residents and their guests, including but not limited to beauty shop, pharmacy, banking facilities, gift shop and similar facilities.

**Cornice** means any horizontal members, structural or nonstructural, of any building, projecting outward from the exterior walls at the roof line, including eaves and other roof overhangs.

**Cottage court** means a group of small, 1-1.5-story, detached dwellings arranged around a shared court, where the court is visible from the street and replaces the function of a rear yard. The dwelling unit entrances face the shared court.

**Court** means 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 sides by such building or buildings. Court has many other meanings in other contexts, including a court of law.

**Craft beverage production establishment** means a use that manufactures beer, wine, mead, spirits, teas, kombuchas, or other craft beverages but is not principally a retail outlet such as a juice bar or smoothie cafe. This term may include accessory uses, such as a public tasting tours, storage, packaging, and distribution. A craft beverage production establishment that fulfills the definition of a brewpub shall be considered a brewpub. A light industrial use that fulfills the definition of a craft beverage production establishment shall be considered a craft beverage production establishment.

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

**Cultural facility or museum** means an institution devoted to the procurement, storage, organization, collection, care, study, and display of objects of natural, scientific, literary, artistic, or cultural interest or value.

**Cupola** means a domelike structure on top of a roof or dome, often used as a lookout or to admit light and air.

**Curb grade** means the elevation of the established curb in front of the building measured at the center of such front.

**Curbside pickup** means the delivery of meals or goods to a customer's personal vehicle parked within a designated parking space or zone fronting the business.

**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.

**Dancing and live entertainment** means any entertainment involving performances, or delivery of entertainment by one or more persons, including but not limited to: musical ensembles, solo performers, deejays, karaoke, comics/comedians, theatrical acts (when performed in a venue other than a theater) and dancing. Live entertainment does not include piped-in background music inside a facility, where no "live" person is actively involved in the playing of the music, or an entertainment production conducted at a school.

**Data center** means a building enclosing a network of computer servers typically used by businesses and organizations for the remote storage, processing, or distribution of large amounts of data.

**Deck** means a floor area extending from the outside wall of a building above ground level, whose supports may rest on the ground, and includes any associated stairs or roof/shade covering that does not result in the deck being enclosed and becoming an indoor occupiable space. A patio or paved area is not a deck.

**Development or land development** means the construction or substantial alteration of residential, commercial, industrial, institutional, recreational, transportation, or utility facilities, structures or land.

**Detention basin** means a low-lying area that is designed to temporarily hold a set amount of water while slowly draining it to surrounding soil or to another location.

**Distances and areas** means measurements in a horizontal plane.

**Drive aisle** means a vehicular accessway within a parking lot or parking structure.

**Drive-through facilities** means, other than as excepted below, any facility where goods are sold or services provided to a person riding on or seated within a motor vehicle; or where services or inspections are performed on motor vehicles that stand or wait in line immediately prior to the service being performed. Drive-through facilities provide structures and/or land for the following, and other types of, uses: car washes, motor vehicle lubrication and oil change, motor vehicle inspection, financial institutions, dry cleaners, restaurants, with one or more drive-through windows. Uses excepted from this definition include:

1. Inspections utilizing not more than one bay at a motor vehicle service station;
2. Fuel service components of motor vehicle service stations; and
3. The on-site parking of motor vehicles prior to servicing at motor vehicle service facilities.

**Driveway** means an area intended for use by automobiles and connecting a street with a parking area or garage.

**Duplex** means a building containing two dwelling units, arranged one above the other or side by side.

**Dwelling** means a building designed or used as the living quarters for one family, or more than one, (or family equivalent), to include cooking facilities.

**Dwelling unit** means one room, or more than one room, in a dwelling providing complete living facilities, to include cooking facilities, for one family (or family equivalent).

**Easement** means a grant by a property owner of the use of the land by another party for a specific purpose.

**Electric vehicle charging station** means a parking space supplemented by an electrical source configured to deliver electrical energy to battery-powered vehicles.

**Elevation, architectural** means a scaled drawing of the side, front, or rear of a structure intended to illustrate how the building will look or function.

**Encroachment, setback** means any improvement that intrudes into a required setback, buffer area, or protected open space.

**Entertainment**, means audio, video, or other shows, acts, or amusements for the participation and/or benefit of public patrons. This term shall not include adult businesses.

**Event Space** means a facility that can accommodate groups gathering for specific purposes, which include, but are not limited to, dancing and live entertainment, weddings, conferences, exhibits and other gatherings.

**Façade** means the entire exterior wall of a building facing a lot line measured from the grade to the eave or highest point of a flat or mansard roof. Façades may be on the front, side, or rear elevation of the building.

**Face of curb** means the portion of a curb closest to the gutter or street paving.

**Family or family equivalent** means an individual living alone in a dwelling unit; or any of the following groups of persons living together and sharing living areas and using common cooking facilities in a single dwelling unit: two (2) or more persons related by blood, marriage, adoption or approved foster care; a group of not more than four (4) persons who need not be related by blood, marriage, adoption or approved foster care; a group home of no more than eight (8) residents; a group of not more than two (2) adults who need not be related by blood or marriage, and the children of each of the two (2) adults.

**Family day home** means a child day program offered in the residence of the provider or the home of any of the children in care for one (1) through twelve (12) children under the age of thirteen (13), exclusive of the provider's own children and any children who reside in the home, when at least one child receives care for compensation. Use standards are defined specifically for 1-4 children, and for 5-12 children.

**Farmers market** means a market, sometimes in open air, at which farmers sell fruit, vegetables, meat, cheese, and/or bakery products directly to consumers. Farmers markets often include the use of temporary tents and canopies and may include the sale of handcrafted goods.

**Financial institution** means an establishment where the principal business is the receipt, disbursement or exchange of funds and currencies. Such establishments include banks, savings and loans, or credit unions, along with such accessory uses as automated teller machines. Drive-through windows/facilities are defined separately.

**Finished lot grade** means the finished surface of ground abutting a building or structure.

**Floodplain** means all lands that would be inundated by floodwater as a result of a storm event of a 100-year return interval.

**Foot-candle** means the amount of light that falls onto a surface as emitted by an exterior lighting device.

**Front building wall** means the portion of a building that is closest to the sidewalk or, when there is no sidewalk, the main public street right-of-way to which the building front faces.

**Front building line** means an imaginary line, parallel to the front lot line, set back from the front lot line by a distance equal to the minimum required front yard setback. The front building line is intended to differentiate between the buildable portion of the front of the lot (behind the front building line) and the area of the front of the lot required to be kept free of structures (between the front building line and the public street right-of-way). See [Article 2 §18-207](#).

**Frontage street** means the street that is fronted by a particular lot. In many cases, corner lots front multiple streets; in such a case, the frontage street is the street having the greatest total width of front lot lines within the same block face, and the other street shall be considered the side street. In the case of some through lots, both streets may be considered frontage streets.

**Funeral home or mortuary** means an establishment for the preparation of the deceased for burial and display of the deceased and rituals connected therewith before burial or cremation. This term includes a funeral chapel.

**Garage, single-unit residential** means a private enclosed parking space that is either attached or detached from a single-unit residential structure.

**Garage, commercial** means an attached or detached parking structure that serves adjacent commercial, multi-unit residential, and general rental of individual spaces.

**Garage sale or yard sale** means and includes all general sales, open to the public, conducted from or on a residential premises used for family residential purposes only, in any residential zone as defined by this chapter, for the purpose of disposing of personal property including, but not limited to, all sales entitled “garage,” “lawn,” “yard,” “attic,” “porch,” “room,” “backyard,” “patio,” “flea-market,” or “rummage” sale. This definition shall not include a situation where no more than five specific items are held out for sale and all advertisement of such sale specifically names those items to be sold.

**Government uses** means services and facilities operated by any level of government.

**Green roof** means a roof of a building that is partially or completely covered with vegetation and a growing medium, planted over a waterproofing membrane. It may also include additional layers such as a root barrier and drainage and irrigation systems.

**Grocery** means a retail establishment primarily selling prepackaged and perishable food as well as other convenience and household goods.

## Article 9. Definitions

**Highly erodible soils** means soils with an erodibility index (EI) from sheet and rill erosion equal to or greater than eight. The EI for any soil shall be defined by the formula  $RKLS/T$  [6], where K is the soil susceptibility of water erosion in the surface layer; R is the rainfall and runoff; LS is the combined effects of slope, length and steepness; and T is the soil loss tolerance.

**Highly permeable soils** means any soil having a permeability equal to or greater than six inches of water movement per hour in any part of the soil profile to a depth of 72 inches as found in the "National Soils Survey Handbook," November 1996, in the "Field Office Technical Guide" of the U.S. Department of Agriculture Soil Conservation Service.

**Historic district** means any public or private property within which is located a neighborhood, site, building, structure, object or artifact that the Town Council identifies as reflecting significantly, and considers of such outstanding importance, as to warrant conservation and preservation. Reasons may include the lives of historic personages, some great idea or ideal of the people, or the archeological, architectural, cultural, economic, ethnic, military, natural, political, religious or social heritage of the community, state or nation.

**Home-based business**, sometimes known as home occupation, means any accessory use of a dwelling unit as a commercial use. See [§18-327](#) for use standards.

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

**Impervious surface** means a surface composed of any material that significantly impedes or prevents natural infiltration of water into the soil. Impervious surfaces include, but are not limited to: buildings; parking areas; driveways; streets; sidewalks; areas of concrete, asphalt, gravel, or other compacted aggregate; and areas covered by the outdoor storage of goods or materials which do not absorb water.

**Indoor recreation** means a private indoor (entirely within an enclosed structure) use providing for sport and recreation activities that are operated or carried on primarily for financial gain. Examples of indoor commercial recreation uses include, but are not limited to, fitness centers, bowling alleys, dancehalls, skating rinks, indoor commercial swimming pools, and racquet and tennis clubs.

**Interior side yard** – see [Article 2 §18-209](#).

**Junkyard** means any land or building used for the abandonment, storage keeping, collecting, or baling 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.

**Land disturbing activity** means any land change which may result in soil erosion from water or wind and the movement of sediments into state waters or onto lands in the commonwealth or Town. Such land change or activity may include, but is not limited to: The removal or destruction of a portion of the natural topsoil; the removal or destruction of trees or other vegetative cover; clearing, grading, excavating, transporting and filling of land; and construction activities.

**Landscape strip** means an area that includes plantings of grass, ornamental shrubs, trees or other ornamental ground cover that is intended to provide a visual separation between different uses, including, but not limited to, parking areas, buildings and sidewalks.

**Landscaping** means the planting of grass, ornamental shrubs, trees or other ornamental ground cover.

**Landscape island or landscaping island** means an area of pervious surface within an off-street parking lot that is intended for the placement of vegetation or stormwater run-off management devices.

**Live/work dwelling** means a structure or portion of a structure combining a residential living space for one or more persons with an integrated work space principally used by one or more of the residents.

**Loading space** means an off-street space or berth on the same lot with a building, or contiguous to a group of buildings, for the temporary parking of vehicles while loading or unloading merchandise or material that has access to a street or other appropriate means of ingress and egress.

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

**Local thoroughfare** means a public street primarily designed to serve as access to abutting property, and to provide secondary through traffic movement.

**Lot** means a portion of a subdivision intended for transfer of ownership, or an area of land occupied or able to be occupied by a building or group of buildings and accessory buildings together with such yards and area as required by this chapter and having its principal frontage upon a public street, or upon a pedestrian pathway in a development of residences where some units do not front on the public street, such as with townhouses, some forms of duplexes, and cottage courts. The term "lot" shall include "plot" and "parcel."

**Lot, corner** - See [Article 2 §18-208](#)

**Lot, interior** - See [Article 2 §18-208](#)

**Lot, through** - See [Article 2 §18-208](#)

**Lot area** means the total horizontal area within the boundary lines of a lot.

**Lot consolidation** means a plat that removes one or more existing lot lines, the effect of which is to eliminate one or more lots so as combine them, resulting in a single larger parcel.

**Lot coverage** - See [Article 2 §18-213](#)

**Lot depth** means the horizontal distance between the front and rear lot lines, measured along the median between the two side lot lines.

**Lot deviation** - See [Article 2 §18-211](#).

**Lot lines** - See [Article 2 §18-207](#).

**Lot line, front** - See [Article 2 §18-207](#).

**Lot line, side** - See [Article 2 §18-207](#).

**Lot line, rear** - See [Article 2 §18-207](#).

**Lot Line or Boundary Line Adjustment** means a lot line realignment between two or more adjacent lots in two or more different platted subdivisions.

**Lot midline** - See [Article 2 §18-207](#).

**Lot modification** means subdivision of a lot, lot line or boundary line adjustment, lot consolidation or vacation of boundary lines.

**Lot width** - See [Article 2 §18-210](#).

**Manufactured home** means a structure subject to federal regulation, which is transportable in one or more sections; is eight (8) body feet or more in width and forty (40) body feet or more in length in the traveling mode, or is three hundred and twenty (320) or more square feet when erected on site; is built on a permanent chassis; is designed to be used as a single-family dwelling, with or without a permanent foundation, when connected to the required utilities; and includes the plumbing, heating, air-conditioning, and electrical systems contained in the structure. For the purpose of these provisions, a mobile home, as defined in the Council of American Building Officials, chapter 2, Building Definitions, section 202, shall be considered a manufactured home.

**Manufacturing, artisan** means an establishment for the small-scale production, preparation, optional display, and sale of individually crafted artwork, jewelry, furniture, sculpture, pottery, leathercraft, hand-woven articles, and related items.

**Manufacturing, light** means the processing or fabrication of materials or products provided all manufacturing activities are contained entirely within a building and noise, odor, smoke, heat, glare, and vibration resulting from the manufacturing activity are confined entirely within the building or if located outside, the area must be screened.

**Marquee** means a permanent roof-like structure other than a roof attached to, supported by, and projecting from a building, providing protection from natural elements over the ground, sidewalk or walkway.

**Massage therapist** means one who practices massage therapy and complies with the application, investigation and training requirements of §22-5, §22-6, and §22-7, and the sanitation, hygiene and environment requirements applicable to health clubs as set forth in §22-10, §22-11, and §22-12; except such operation commenced in a residential zone shall not be required to comply with §22-12.

**Massage therapy** means a profession in which the practitioner applies massage techniques, and may apply adjunctive therapies, with the intention of positively affecting the health and well-being of the client. Massage therapy may be applied in response to physician prescription, but does not include diagnosis, except to the extent of determining whether massage therapy is indicated.

**Master sign plan** means, for a multi-tenant development, building or shopping center, a comprehensive sign plan that identifies all proposed permanent wall signs, free-standing signs and window signs.

**Medical office** means an office which provides physical or mental medical care, testing, or treatment on an outpatient basis for stays of twenty-four (24) hours or less by physicians, dentists, optometrists, and other healthcare practitioners licensed by the Commonwealth of Virginia.

**Medical care facility** means a facility concerned with the diagnosis, treatment, and care of human ailments and afflictions, including hospitals; dental services; medical services or clinics.

**Mezzanine** means an intermediate, habitable level of space located between two floors and partially open to the floor below.

**Midline** - See Article 2 §18-207.

**Mixed-use** means development that includes a mixture of residential and nonresidential use types.

**Model home sales or leasing office/trailer** means a house constructed to serve as a temporary sales office and as an example of the style of home that can be built in a given housing development.

**Monument** means a mark affixed to a permanent object along a line of survey to furnish a survey control. See Article 6.

**Multi-modal transportation impact analysis** means the study of development-related existing and future conditions of travel demand and supply, to include analysis of vehicular, pedestrian and bicycle traffic, transit, and parking in a defined study surrounding the proposed development site.

**Multi-unit dwelling, or multiple-unit dwelling, or multi-unit residential use and/or complex** means a building or portion thereof, designed for occupancy by three or more families (or family equivalent) living independently of each other. The term does not include hotels, tourist camps, cabins or courts, trailer camps, motels or similar premises. Groups of three or more townhouses, owned as condominiums or offered for rent, may be considered as multiple-family dwellings.

**Nonconforming building or nonconforming structure** means any building or structure that lawfully existed prior to the adoption of this ordinance but that, without structural modification or addition, does not conform to the area, bulk, yard, density, or off-street parking regulations of this chapter for the zone in which it is located.

**Nonconforming lot** means a lot that does not comply with the dimensional standards that apply in the zoning district where the lot is located but was permissible under previous provisions of this ordinance or predates this ordinance.

**Nonconforming use** means a use that lawfully occupied a building, structure, or land prior to the adoption of the ordinance from which this chapter is derived and that, without change of use or manner of use, does not conform to the use regulations of this chapter for the zone in which it is located.

**Non-point source pollution** means diffuse source pollutants such as runoff from cultivated agricultural land, from silvicultural activities, and from urban storm runoff. These pollutants are conveyed to waterways through natural processes, such as rainfall, stormwater runoff, or groundwater seepage rather than by deliberate discharge.

**Non-tidal wetlands** means areas other than tidal wetlands that are inundated or saturated by surface water or groundwater at a frequency and duration sufficient to support, and that under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions, as defined by the U.S. Environmental Protection Agency pursuant to section 404 of the Federal Clean Water Act, in 33 CFR 328.3b.

**Off-site parking** means off-street parking that serves a particular use without being on the same lot as the use it serves.

**Office** means a room or group of rooms used for conducting the affairs of a business, profession, service industry, or government.

**Official map** means the map established by the Town Council showing the streets, highways, waterways and public areas, or additions thereto, resulting from the approval and filing of subdivision plats.

**Officially designated** means a landmark, building, or structure which has been duly designated by the state historic landmarks commission or by other recognized historical preservation organizations or by the Town Council.

**Open space** means land and/or water area which has been specifically designed or set aside for conservation, place-making, or recreational purposes. - See [Article 2 §18-214](#)

**Outdoor dining (permanent and seasonal)** means the service of food and/or beverages from a restaurant use to diners seated in outdoor dining areas, including patios, sidewalks, and areas under canopy or awning.

**Outdoor display and sales** means retail sales operated in the open air, including sale items, garden plants, mulch, tires, bicycles, utility trucks or trailers, motor vehicles, boats, or home equipment sales, repair, or rental services. If a use fulfills the definition of vehicle sales and rental, it shall be considered vehicle sales and rental use.

**Outdoor living coverage**- See [Article 2 Sect. §18-213](#).

**Outdoor parks and recreational uses, public** means of or relating to relaxation by the physical participation of persons in activities on public lands in the outdoors, sometimes conducted in, on, or about a track, court, field, lawn, course, preserve, pool-like area, or field house.

**Outdoor recreational uses, private** means of or relating to relaxation by the physical participation of persons in activities on private lands in the outdoors, sometimes conducted in, on, or about a track, court, field, lawn, course, preserve, pool-like area, or field house.

**Parapet** means a low wall or protective barrier that extends vertically above the roof of a building or other structure.

**Parcel** means any tract of land, capable of subdivision into lots under this chapter.

**Parking area** means an open area, other than a street or alley, used for the parking of automobiles.

**Parking lot cross-access** means vehicular access provided between the vehicular use areas of two or more development sites or parcels of land intended to allow travel between the sites without the use of a public or private street.

**Parking shuttle** means, typically, a bus or other vehicle that provides patrons regularly scheduled service between a parking area and the building or use served by that parking.

**Parking space** means space within a building or a private or public parking area for the parking of one automobile.

**Particulate matter** means 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.

**Patio** means a surfaced, court-like area at ground level outside the main wall of a building, which area is not sheltered by a roof.

**Pedestrian pathway** means paved walkways that provide a pedestrian passage through blocks running from a street to another street, to a vehicular use area, or to another location.

**Pedestrian-oriented (pedestrian-friendly)** means development forms that are sized, spaced, and configured to allow easy physical and visual access by persons travelling on foot.

**Pergola** means a permanent structure attached to a building by posts supporting a horizontal roof that may be open or closed to provide air flow or shade from the sun and elements.

**Permitted use or by-right use** means that a proposed action may be approved administratively in the respective zoning district subject to all other applicable requirements of this Code being met.

**Photovoltaic panel** means a collection device that converts radiant energy from the sun into electricity.

**Planning commission or commission** means the planning commission of the Town of Vienna, Virginia.

**Plat** means a document, prepared by a registered surveyor or engineer that delineates property lines and shows monuments and other landmarks for the purposes of identifying property.

**Plat, final** means the plat of subdivision that once recorded, will create the individual lots shown in the preliminary plat and construction plan.

**Plat, preliminary** means the preliminary map, drawing or chart indicating the proposed layout of the subdivision to be submitted to the planning commission for its consideration.

**Point source pollution** means discharge of pollutants into waters at a specific location through a pipe, outfall, or ditch.

**Porch** means an open area outside an exterior wall of a building and covered by a roof which may be attached to a side wall and may be common with the main roof of the building and is used for purposes other than the sheltering of motor vehicles.

**Portable storage container** means a portable, weather-resistant receptacle designed and used for the storage or shipment of household goods, wares, or merchandise.

**Pre-existing lot grade** means the elevation of the lot that exists prior to the issuance of any grading, demolition, or building permit, or any other activities associated with the removal or rebuilding of the existing principal structure.

**Primary entrance or primary customer entrance** means the place of ingress and egress to a building, parcel, or development used most frequently by the public.

**Principal building or principal structure** means a building in which is conducted the main or principal use of the lot on which said building is located.

**Principal structure.** See “Principal building or principal structure.”

**Principal structure height.** See “Building height or principal structure height.”

**Principal use** means the main or primary use of a building or lot.

**Private yard** means that portion of a lot outside the structure or structures on the lot which is designated solely for use by the property owner or occupant.

**Process weight per hour** means 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.

**Production or processing** means the manufacturing, assembly, fabrication, packaging or other industrial processing of products primarily from extracted or raw materials or the bulk storage and handling of such products and materials. This term does not include uses that fulfill the definition of “manufacturing, light.”

**Proffer** means a voluntary proposal by an applicant for a property to mitigate the impacts of the development they propose to undertake.

**Public** means any land use, property, or structure owned by a political subdivision and dedicated to public use. It may also refer to people.

**Public art** means work in any media that has been planned and implemented with the specific intention of being sited, staged, or viewed in one or more publicly accessible space.

**Public community center** means a community center facility where social, recreational, welfare, health, or child care services are provided to the general public by a public, quasi-public, tax exempt, or municipal agency.

**Public engagement plan** means a plan that establishes the principles, processes and milestones for public engagement related to a development proposal, planning project or other initiative, to address the needs of community stakeholders and to engage people in the decision-making process.

**Public garage** means a building other than a private automobile garage where automobiles are parked or stored.

**Public use trailer or public use manufactured home** means a manufactured home used by public safety personnel and dedicated to public safety uses.

**Rear lot line.** See [Article 2 §18-207](#).

**Rear yard** - See Yard, Rear.

**Recycling drop-off facility** means a space or container allocated for collecting recyclable material, where recyclable material from households in the general vicinity are delivered to the space or container directly by members of such households.

**Redevelopment** means the process of developing land that is or has been previously developed.

**Religious assembly** means a church, synagogue, temple, mosque, or other building or structure that houses the sanctuary or principal place of worship of an organization devoted to the furtherance of religious ideals.

**Remodeling** means a change in the structure or layout of an existing building or space.

**Residence for manager or employee** means a dwelling unit for the use of an employee of manager that is accessory to a commercial or institutional use, such as the residence of a dean on a university campus or the residence of a night watchman at an industrial facility.

**Resource management area (RMA)** means a component of the Chesapeake Bay Preservation Area (not classified as a resource protection area (RPA)), as designated on the official CBPA map for the Town as incorporated in the current comprehensive plan that includes lands, which if improperly used or developed, have a potential for causing significant water quality degradation. Lands with the following characteristics may be classified as RMAs:

1. 100-year floodplains;
2. Highly erodible soils and/or slopes in excess of 15 percent;
3. Highly permeable soils;
4. Non-tidal wetlands not classified as an RPA; or
5. Other lands as identified by the Town to be necessary to protect the quality of state waters.

**Resource protection area (RPA)** means a component of the Chesapeake Bay Preservation Area as designated on the official CBPA map for the Town as incorporated in the comprehensive plan that is comprised of lands adjacent to a water body with perennial flow that have an intrinsic water quality value due to the ecological and biological processes they perform or are sensitive to the impacts which may result in significant degradation to the quality of state waters. The following lands shall be classified as RPAs:

1. Non-tidal wetlands connected by surface flow to or contiguous to a water body with perennial flow;
2. Other lands as identified by the Town to be necessary to protect the quality of state waters; and
3. Buffer areas having widths of not less than one-hundred (100) feet, landward of the components listed in subsections A and B of this definition, and adjacent to and landward from each side of any water body with perennial flow.

**Restaurant** means a commercial establishment, located inside an enclosed building, where meals are primarily prepared to order and served individually for consumption within such building to patrons seated at tables or counters, or in booths, or may be prepared for carry-out, or curbside pick-up. A snack bar or refreshment stand at a nonprofit community swimming pool, playground, playing field, park or similar recreational activity shall not be deemed to fall within the definition of a restaurant.

**Retail** means the sale of products from the premises to the general public in a facility.

**Retention pond** means a pond or depression designed to hold a specific amount of stormwater run-off indefinitely.

**Ride share or taxi standing area** means an area for vehicles engaged in carpooling, ride share or taxi service, while picking up, dropping off, or waiting for passengers. Such areas are not intended to be used for long-term parking of vehicles.

**Roadway** means that portion of the street available for vehicular traffic, and where curbs are laid, being the portion from face to face of curbs.

**Satellite antenna** means an apparatus, usually dish shaped, the purpose of which is to have the capability to receive communications from a transmitter or a transmitter relay located in planetary orbit.

**School (Elementary, Middle, and High)** means a location, building, or structure that houses or is used by a public school district or private organization for primary, or secondary educational instruction.

**Self-storage** means a facility that includes two or more individual units of 500 square feet or less, each of which is rented solely to store household goods and personal effects as defined in Virginia Code §58.1-3504, tangible personal property employed in a trade or business as defined in Virginia Code §58.1-3503.A.17, and inventory of stock on hand as that term is used in Virginia Code § 58.1-3510.A.

**Services, general**, means a facility involved in providing services for an individual's property or pets including ancillary sales of products for the services. General services shall include, but not be limited to, the following: animal grooming; photocopy; sign-making; security service; drycleaning; taxidermy; repair services; or any similar use. General services does not include any adult use or veterinary services.

**Services, personal** means a facility primarily engaged in personal care of and services for an individual. Personal services shall include, but not be limited to, the following: salons; spas; barbershops; physical fitness centers; dance studios; martial arts studios; tattoo parlors; or any similar use. The term does not include any adult uses, massage therapy, or medical care.

**Setback** means a line parallel to the street or property line which establishes the minimum distance between the lot line and the nearest part thereto of any permitted structure or feature. See Article 2 §18-210 for definitions of setbacks of all yards.

## Article 9. Definitions

**Shared kitchen** means an area approved as a commercial kitchen by the Fairfax County Health Department and designed and intended to be used for the cooking or preparation of food by more than one family or commercial entity. Shared kitchens are sometimes also known as incubator kitchens.

**Shared parking** means a parking management strategy in which parking spaces are shared by more than one user, and which allows parking facilities to be used more efficiently. Shared parking recognizes that parking spaces are only used during certain times by particular uses in schedules that follow predictable patterns.

**Shelter, hypothermia prevention** means the provision of temporary housing to homeless or housing-insecure persons and/or the provision of ancillary services such as counseling and vocational training.

**Shopping center** means a group of not less than four contiguous retail stores or a building of 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.

**Show window display** means displays of merchandise, pictures, posters, prices, promotional statements, etc., designed and intended to be viewed by pedestrians in front of the show window.

**Side street** means the street that is secondary to the frontage street in the case of corner lots. A street's identification as a frontage street or a side street is relative to each lot; in other words, while a corner lot may consider a particular street to be a side street, other nearby lots—such as interior lots adjacent to the corner lot—may consider that same street to be a frontage street.

**Side lot line** means a lot line that

1. is not a front lot line,
2. is not a corner side lot line, and
3. shares at least one terminus with a front lot line or a corner side lot line.

**Side yard** means 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 lot line toward the nearest part of the principal building.

**Sight triangle** means the theoretical triangle at an intersection that must be clear from obstructions to allow clear views between vehicles and/or pedestrians.

**Sign** means any object, letter, figure, design, symbol, artistic display, trademark, flag (excluding federal, state and local flags) illumination of other device intended to call attention to or identify or give direction to any place, subject, person, firm, business, public performance, article, machine or merchandise. This definition shall not include temporary merchandise signs displayed and intended for viewing inside of a building.; public art; seasonal displays and decorations not advertising a product, service, or entertainment; or architectural features, except those that identify products or services or advertise a business use.

**Sign, A-frame** means a temporary freestanding sign constructed to for a two-faced sign with supports that are connected at the top and seperated at the base, forming an “A” shape.

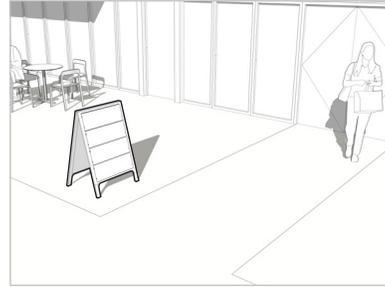


FIGURE 9.1  
A-Frame sign  
example

**Sign, Awning**, means signage or imagery located on the valance, face or sides of an awning.

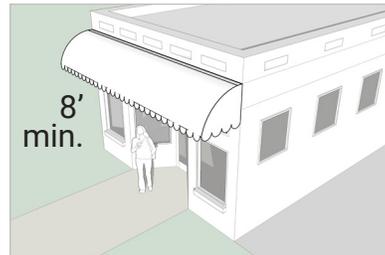


FIGURE 9.2  
Awning  
example

**Sign, Banner**, means any temporary sign consisting of lightweight, flexible material, which is supported by a frame, ropes, cables, wires or other anchoring devices.

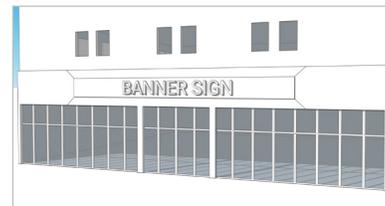


FIGURE 9.3  
Banner sign  
example

**Sign, Billboard** means any free-standing sign structure used as an outdoor display for the purpose of making anything known, which is not attached to and/or is remote from said display.

**Sign, Canopy** means signage attached to a canopy attached to a building while still maintaining minimum clearance of eight (8) feet between the ground and the lowest point of the canopy.

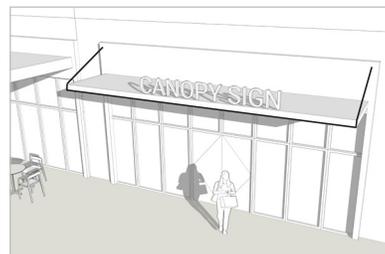


FIGURE 9.4  
Canopy  
example

**Sign, Freestanding** means any sign supported by one or more uprights, braces or poles, or placed directly on the ground or on a foundation on the ground and not attached to a building.



FIGURE 9.5  
Freestanding  
hanging sign  
example

**Sign, Monument** means a freestanding , ground mounted sign used to identify a building, its tenants or businesses located on the same site.

**Sign, Moving or rotating** means any sign that involves motion or rotation of any part or that displays flashing or intermittent lights.

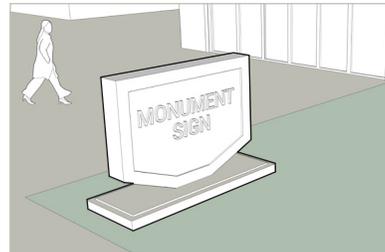


FIGURE 9.6  
Monument  
sign  
example

**Sign, Projecting** means any sign that is attached in a plane approximately perpendicular to the surface of a building or other structure. Total signage area is fifteen (15) square feet or more.

**Sign, Projecting, Minor** means any sign that is attached in a plane approximately perpendicular to the surface of a building or other structure. Total signage area is between one and one-half (1.5) and fourteen and nine-tenths (14.9) square feet.

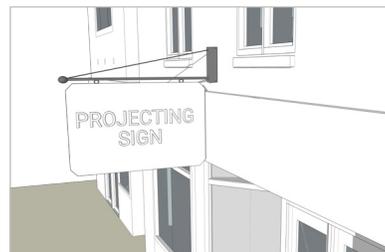


FIGURE 9.7  
Projecting  
sign  
example

## Article 9. Definitions

**Sign, Secondary** means a freestanding, ground mounted sign between one and one-half (1.5) and nine and nine-tenths (9.9) square feet in area. The sign may be single or double-sided. The sign may be supported by a single or double pylon, hanging from a post arm, or have a monument style base.

**Sign, Temporary** means a sign constructed of cloth, canvas, vinyl, paper, plywood, fabric, or other lightweight material not well suited to provide a durable substrate or, if made of some other material, is neither permanently installed in the ground nor permanently affixed to a building or structure which is permanently installed in the ground.

**Sign, Wall** means any sign that is affixed directly to or suspended from a wall, marquee, mansard roof or parapet wall of a building, with the exposed face of the wall and extending from it less than 12 inches. A wall sign may be either of one-piece construction or of individual letters or symbols. A wall sign may also be inscribed on or attached to the vertical or nearly vertical surface of an awning or canopy that is permanently affixed to a building.

**Sign, Window** means a sign visible outside the window and attached to or within 18 inches in front of or behind the surface of a window or door.

**Sign, Yard** means temporary sign placed upon or supported by the ground independently of any other structure or affixed to a framework or flat surface.

**Sign area** – See §18-903

**Sign height** - See §18-903

**Sign maintenance** means the renewal, painting, repair, or cleaning of an existing sign, which retains the same sign information items, colors, composition, location and structure as the original.

**Sign structure** means any assembly of materials that supports a sign and that is not an integral element of a wall or building.



FIGURE 9.8  
Projecting,  
minor sign  
example

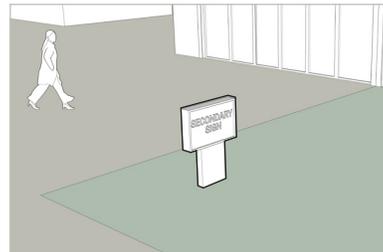


FIGURE 9.9  
Secondary  
sign  
example

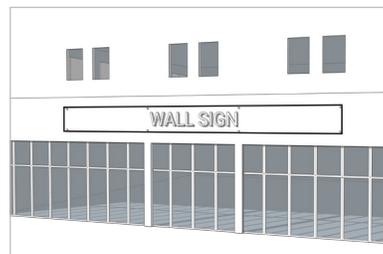


FIGURE 9.10  
Wall sign  
example

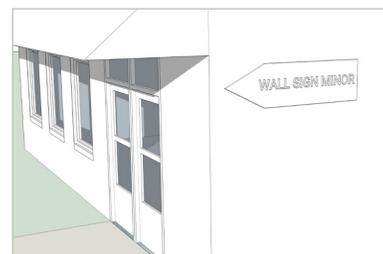


FIGURE 9.11  
Wall sign,  
minor  
example

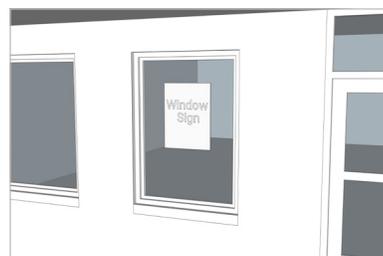


FIGURE 9.12  
Window  
sign  
example

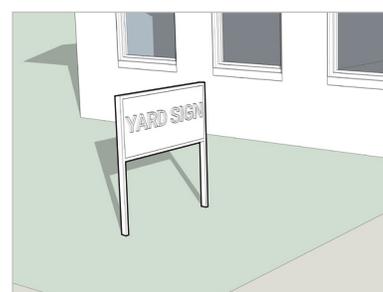


FIGURE 9.13  
Yard sign  
example

**Single-unit detached dwelling, or single-unit dwelling, or single-family dwelling, or one-unit dwelling** means a detached building designed or used exclusively for occupancy by one family (or family equivalent).

**Smoking lounge** means any facility, building, structure, or location, where customers consume tobacco or a similar legal smoking product.

**Solar panel or solar collection system** means a collection device that converts radiant energy from the sun into electricity.

**Special event** means an activity sponsored by a nonprofit organization or public agency lasting fourteen (14) consecutive calendar days or less and includes but is not limited to such activities as school carnivals, dinners, concerts, bazaars, and neighborhood fairs.

**Specialized instruction** means a facility primarily devoted to giving instruction in vocational, professional, musical, dramatic, artistic, scientific, performing arts, or other special subjects. This use does not include a childcare center, home day care facility, or health and exercise facility..

**Sports court** means an outdoor asphalt, concrete or other hardscape court (not including parking lots) designed for athletic purposes (i.e. basketball court, tennis court, etc.) surrounded by fencing or on a standalone pad.

**Stable and riding, personal use**, means the lodging and care of horses, where such horses are used principally by the horses' owners.

**Stacking** or stacking space means the space specifically designated as a waiting areas for vehicles whose occupants will be patronizing a drive through facility.

**Standard conditions** means a gas temperature of sixty (60) degrees Fahrenheit and gas pressure of fourteen and seven-tenths (4.7) pounds per square inch absolute. Results of all analyses and tests shall be calculated or reported at this gas temperature and pressure.

**Step-back** means an area of a façade above the first floor of a building or structure that is located a set distance further back from the façade or story below it.

**Stoop** means a small staircase typically, but not necessarily, constructed of concrete and/or masonry, ending in a platform, and utilized primarily as an access to a building.

**Storage yard** means a location that is used for the storage of equipment, vehicles, machinery, materials, paints, pipe, or electrical components. If a use fulfills the definitions of this term and that of "building materials storage and sales," it shall be considered a "building materials storage and sales" use.

**Story** – See [Article 2, §18-212](#).

**Story, half** – See [Article 2, §18-212](#).

## Article 9. Definitions

**Street** means a public way for vehicular or pedestrian traffic, whether designated as a street, highway, thoroughfare, parkway, throughway, expressway, road, avenue, boulevard, lane, place, circle or otherwise. Streets, including the entire right-of-way, are normally the principal means of access to abutting property.

**Street line** means a dividing line between a lot, tract, or parcel of land and/or a contiguous street.

**Street tree** means any tree planted at regular intervals within or adjacent to street rights-of-way.

**Street width** means the total width of the strip of land dedicated or reserved for public travel, including roadways, curbs, gutters, sidewalks and planting strips. The width is measured as the horizontal distance between the street lines, or property lines, measured at right angles to the side lines.

**Structural alteration** means 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** means anything constructed or erected that requires location on the ground, or is attached to something having a location on the ground, including, but not limited to, patios and decks. Tents used exclusively for recreational or camping purposes, and customary garden accessories such as fences, trellises, grapevine supports, etc., are not included in this definition. The provisions of this definition relating to patios and decks shall not apply to Chapter 6, Article 6 of this Code. Additionally, patios and decks shall not be considered structures for the purpose of architectural review in any residential zone. For floodplain management purposes, structure means a walled and roofed building, including a gas or liquid storage tank, that is principally above ground, as well as a manufactured home. Structures used for sheltering or occupancy fall under the Building definition.

**Subdivider** means a person owning any tract, lot or parcel of land to be subdivided; it may also be a group of two or more persons owning any tract, lot or parcel of land to be subdivided, who have given their written power of attorney to one of their group or to another individual to act on their behalf.

**Subdivision** means:

1. The division of a parcel of land into two or more lots or parcels, each for the purpose, whether immediate or future, of transfer of ownership or building development.
2. Where a new street is involved, any division of a parcel of land, regardless of the size of the parcels.
3. 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.

4. The division or allocation of land as open spaces for common use by owners, occupants or leaseholders.
5. The division or allocation of land as easements for the extension and maintenance of public sewer, water, storm drainage or other public facilities.
6. Subdivision of a parcel that was created through a previous subdivision, which is also known as resubdivision; when appropriate to the context, this action shall relate to the process of subdividing or to the land subdivided.

**Substantial alteration** means expansion or modification of a structure in a resource management area, which results in a disturbance of land exceeding an area of two thousand five hundred (2,500) square feet.

**Surety** means a deal that construction project creditors sign ensuring insurance in case of unfortunate events occurrence which can lead to disruptions, inability to complete the project, failure to meet project requirements, inability to pay their debts; is the contractor's business.

**Temporary family health care structures** mean tents, canopies, or other temporary structures intended to protect health care workers from the elements while administering medical treatment, testing, counseling, or other services to the general public.

**Tent** means any enclosure or shelter which is constructed of canvas or pliable material supported in any manner except by the contents it protects.

**Terrace** means a surfaced, court-like area outside the main wall of a building, raised above the adjoining ground either by earth with sloping sides or an independent foundation.

**Town** means the town of Vienna, Virginia, its administrative body, or its governmental authority.

**Townhouses** means a series of attached, single-family dwelling units developed in groups or clusters and separated and attached to/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** means any vehicle or structure that:

1. Is designed and constructed in such a manner as will permit:
  - a. Occupancy thereof as sleeping quarters for one or more persons that does not meet the requirements of a manufactured home; or
  - b. The conduct of any business or profession, occupation or trade (or use as a selling or advertising device), including public purposes that may be allowed by this chapter; and
2. Is or may be mounted on wheels and transported on highways or city streets, propelled or drawn by its own or other motive power, excepting a device used exclusively upon stationary rails or tracks.

## Article 9. Definitions

**Trailer, public use**, means a trailer used by the Town or the county public schools and dedicated to providing services to the public.

**Trailer, residential use**, means a structure standing on wheels or capable of being towed or hauled by another vehicle, and used or intended to be used as a short-term dwelling.

**Transient occupancy** means occupancy for periods of not more than thirty (30) days.

**Transportation demand management** means the application of strategies and policies to reduce travel demand of single-occupancy private vehicles, or to redistribute this demand in space or in time.

**Tree** means any self-supporting woody plant growing upon the earth, usually producing one main trunk with a diameter of no less than four inches at a height of four and one-half (4½) feet above the ground, and producing a more or less distinct and elevated head with many branches.

**Tree canopy or tree cover** means all areas of coverage by plant material exceeding five feet in height.

**Two-unit attached dwelling**: See Duplex.

**Understory tree** means a tree that has an expected height at maturity of no greater than thirty (30) feet.

**Unit** means one building in a series of attached commercial units located in a commercial group building development, or a dwelling unit.

**Unit group building** means two or more buildings (other than dwellings) grouped upon a lot and held under single ownership, such as the buildings of some universities, hospitals, and institutions.

**Upper story residential** means a dwelling unit located exclusively on the second floor and/or higher floors of a multi-story building, although entranceways, stairways, or other accessways to the upper-story residences may be present on the first floor of the building.

**Use** means 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.

**Use, temporary** means a use established for a fixed period of time with the intent to discontinue the use upon the expiration of time.

**Utility facility** means all lines and facilities related to the provision, distribution, collection, transmission, or disposal of water, storm and sanitary sewage, oil, gas, power, information, telecommunication and telephone cable, and includes facilities for the generation of electricity.

**Vacation of boundary lines** see lot consolidation. See [Article 6](#).

**Variance** means, in the application of a zoning ordinance, a reasonable deviation from those provisions regulating the shape, size, or area of a lot or parcel of land, or the size, area, bulk, or location of a building or structure when the strict application of the ordinance would unreasonably restrict the utilization of the property, and such need for a variance would not be shared generally by other properties, and provided such variance is not contrary to the purpose of the ordinance. It shall not include a change in use, which change shall be accomplished by a rezoning or by a conditional zoning.

**Vehicle charging station** means the location and facility for the charging of an electric vehicle.

**Vehicle fueling station** means the location and facility for retail sale of automobile fuels, oils, and accessories, where repair service, if any, is incidental. May include the sale of propane or kerosene as accessory uses. May include the sale of food, drinks, and consumer goods as an accessory use.

**Vehicle repair and maintenance** means a business, service, or industry where the maintenance, repair, servicing, or painting of vehicles is conducted or rendered.

**Vehicle sales and rental** means the display, sale, rental, or leasing of motor vehicles, including any repair services accessory to the principal vehicle sales and rental use.

**Vehicular use area** means the portion of a site or development dedicated to vehicular ingress and egress, off-street parking, parking aisles, internal travel ways, fire lanes, and other areas dedicated to vehicular use, but not necessarily including vehicular storage areas.

**Veterinary** means an establishment used for the care, observation, or treatment of animals, but not for their sale or distribution.

**Violation** means the failure of a structure or other development to be fully compliant with the Town's regulations.

**Visually permeable** means a building material that allows light or vision to pass through it.

**Warehouse** means the storage of goods with little on-site sales activity to customers, including bulk storage of nonflammable liquids, feed and grain, frozen food, general freight, retail store products such as furniture or appliances, sand, gravel, or other aggregate materials, or any similar use. If a use fulfills the definition of warehouse and storage yard, it shall be considered a storage yard.

**Water body with perennial flow** means a well-defined channel that contains water year-round during a year of normal rainfall with the aquatic bed located below the water table for most of the year. Groundwater is the primary source of water for the perennial stream, but it also carries stormwater runoff. A water body with perennial flow exhibits the typical biological, hydrological, and physical characteristics associated with the continuous conveyance of water. Generally, the Town will consider a water body to have perennial flow if it is depicted as a perennial stream on the most recent U.S. Geological Survey 7½ minute topographic quadrangle map (scale 1:24,000).

**Water dependent facility** means development of any land that cannot exist outside of a resource protection area and must be located on the shoreline by reason of the intrinsic nature of its operation. These facilities include, but are not limited to:

1. Ports;
2. The intake and outfall structures of power plants, water treatment plants, sewage treatment plants and storm sewers;
3. Marinas and other boat docking structures;
4. Beaches and other public water-oriented recreation areas; and
5. Fisheries or other marine resources facilities.

**Wholesale** means an establishment or place of business primarily engaged in selling and/or distributing merchandise to retailers or to industrial, commercial, institutional, or professional business users, or to other wholesalers; or acting as agents or brokers and buying merchandise for, or selling merchandise to, such individuals or companies. Wholesale is not considered a retail use.

**Wireless facility** means telecommunications antennas and associated equipment that may or may not include a tower, dish or other supporting structure, designed to send and receive data signals.

**Xeriscape** means a style of landscape design and type of vegetation requiring little or no irrigation or other maintenance.

**Yard** – See [Article 2, §18-209](#).

**Yard, front** – See [Article 2, §18-209](#).

**Yard, rear** - See [Article 2, §18-209](#).

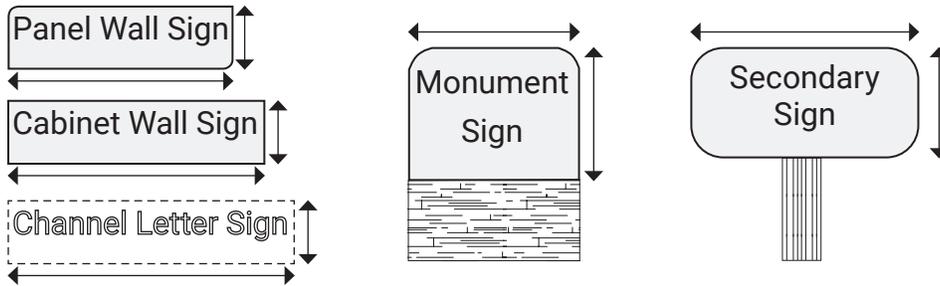
**Yard, side** - See [Article 2, §18-209](#).

**Zoning Administrator** means the Town official designated to administer this chapter.

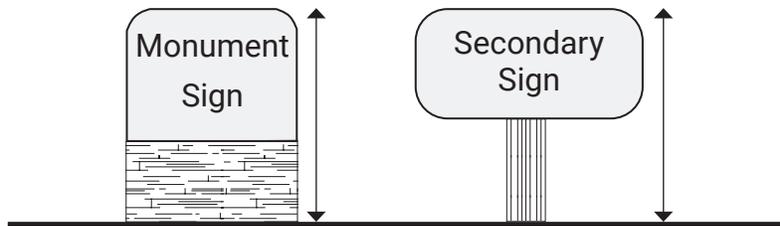
**Zoning map** means the official zoning map for the Town, together with all amendments thereto.

**Section 18-903 How to Measure Sign Area and Dimensions**

1. **Sign Area.** For temporary or permanent signs on a background or window, whether free-standing or wall-mounted, the entire area of the framework or background of the sign is calculated as the sign area. The sign area includes the area of any material or color that is used to differentiate the sign from the sign structure against which it is placed.



2. **Sign Height.** Sign height is measured by the difference in height between the elevation of the established or proposed grade level beneath the base of the sign and the elevation or point of the uppermost extremity of the sign structure.



3. Supports, uprights or structure on which any sign is supported shall not be included in determining the sign area unless such supports, uprights or structure are designed in such a way as to form an integral background of the display.
4. When a sign is placed on a fence, wall, planter, or other similar structure that is designed to serve a separate purpose other than to support the sign, the entire area of such structure shall not be included in the sign area computation.
5. **Double-sided signage.** The sign area shall be computed by the measurement of one of the faces of a double-sided sign when two sign faces that are part of the same sign structure are 1) placed back-to-back, so that both faces cannot be viewed from any one point at the same time, 2) are not more than 24 inches apart at their furthest distance from each other, and 3) are not more than 45 degrees at the point of intersection.

